

**SESSION LAWS**  
OF  
**HAWAII**  
PASSED BY THE  
**EIGHTH STATE LEGISLATURE**

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**REGULAR SESSION**  
**1975**

Convened on Wednesday, January 15  
and  
Adjourned Sine Die on Friday, April 11

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Published by Authority of the  
Revisor of Statutes  
Honolulu, Hawaii

## **AUTHORITY**

**Section 2-4, Hawaii Revised Statutes, provides as follows:**

**Publishing of session laws.** As soon as possible after the close of each session of the legislature, the revisor shall prepare for publication all laws duly enacted at such session, arranged in the order of their becoming law, together with a suitable index and tables showing what general statutes have been affected by such session laws.



## **PREFACE**

This volume contains all the laws passed by the Legislature at the Regular Session of 1975.

In preparing this volume, the text of the original laws and proposals has been followed, with the exception of palpable typographical errors.

**HIDEHIKO UYENOYAMA**  
Revisor of Statutes

Honolulu, Hawaii  
August 13, 1975

STATE OF HAWAII  
ELECTED OFFICIALS AND LEGISLATIVE OFFICERS

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Daniel K. Inouye

House of Representatives:

Spark M. Matsunaga  
Patsy T. Mink

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STATE EXECUTIVE OFFICERS

Governor of Hawaii ..... George R. Ariyoshi  
Lieutenant Governor ..... Nelson K. Doi

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EIGHTH STATE LEGISLATURE  
REGULAR SESSION

1975

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Vice President ..... Duke T. Kawasaki  
Clerk ..... Seichi Hirai

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Patricia Saiki (R)

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Vice Speaker .....	Richard Garcia
Assistant Vice Speaker.....	Ted Yap
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**Session Laws of Hawaii**  
**Passed By The**  
**Eighth State Legislature**  
**Regular Session**  
**1975**

ACT 1

• H.B. NO. 3

A Bill for an Act Making Appropriations to Provide for the Expenses of the Legislature, the Legislative Auditor, the Legislative Reference Bureau, and the Ombudsman.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. There is hereby appropriated from the general revenues of the State the sum of \$1,321,558, or so much thereof as may be necessary, for defraying any and all session and non-session expenses of the Senate up to and including June 30, 1976, including but not limited to the 1975 regular session, Eighth State Legislature of the State of Hawaii, and pre-session expenses and the expenses of any committee or committees established during the interim between the 1975 and 1976 regular sessions.

SECTION 2. There is hereby appropriated from the general revenues of the State the sum of \$1,709,540, or so much thereof as may be necessary, for defraying any and all session and non-session expenses of the House of Representatives up to and including June 30, 1976, including but not limited to the 1975 regular session, Eighth State Legislature of the State of Hawaii, and pre-session expenses and the expenses of any committee or committees established during the interim between the 1975 and 1976 regular sessions.

SECTION 3. Payment of expenses of the Senate during the interim between the 1975 and 1976 regular session shall be made only with the approval of the President of the Senate, and payment of expenses of the House of Representatives during the interim between the 1975 and 1976 regular sessions shall be made only with the approval of the Speaker of the House of Representatives.

SECTION 4. Before January 21, 1976, the Senate and the House of Representatives shall have their accounts audited and a full report of such audit shall be presented to the Senate and to the House of Representatives of the Legislature convening on January 21, 1976.

SECTION 5. The expenses of any member of the Legislature while traveling abroad on official business of the Legislature shall not be limited by the provision of section 78-15, Hawaii Revised Statutes, or by any other gen-

## ACT 1

eral statute. Until otherwise prescribed by law, the expenses of such member shall be \$45 per day and authorized by the President of the Senate or the Speaker of the House of Representatives, respectively.

SECTION 6. There is hereby appropriated from the general revenues of the State the sum of \$1,017,742 to the office of the legislative auditor for the following expenses: (a) the sum of \$787,377, or so much thereof as may be necessary, for defraying the expenses of the office of the legislative auditor during the fiscal year 1975-1976; (b) the sum of \$80,365, or so much thereof as may be necessary, for defraying the expenses of the office of the State ethics commission during the fiscal year 1975-76; (c) the sum of \$150,000, or so much thereof as may be necessary, to be expended upon approval of this Act, for (1) the purpose of performing special studies, (2) improving capabilities for planning, programming and budgeting, (3) fulfilling other special requests made of the legislative auditor by the Legislature or jointly by the President of the Senate and the Speaker of the House of Representatives, (4) interim legislative studies including contractual services for such studies, (5) equipment relating to computer systems programming and operations for the purpose of improving the efficiency of legislative operations including, but not limited to, bill drafting, statutory and information retrieval, status of legislative actions, and reproductions of legislative material, and (6) such other purposes as may be determined by the joint action of the President of the Senate and the Speaker of the House of Representatives, or of the Senate and the House of Representatives through the President of the Senate and the Speaker of the House of Representatives, respectively.

As of the close of business on June 30, 1975, the unexpended or unencumbered balances of appropriations made by Act 3, Session Laws of Hawaii 1970; Act 1, Session Laws of Hawaii 1971; Act 1, Session Laws of Hawaii 1972; Act 1, Session Laws of Hawaii 1973; Act 1, Session Laws of Hawaii 1974; and any other prior Acts of the Legislature; for the expenses of the office of legislative auditor for special studies, interim legislative studies, contractual services for studies, expenses for the development of the Legislature's planning, programming, and budgeting capabilities, and for equipment for improving the efficiency of legislative operations shall lapse into the general fund.

SECTION 7. There is hereby appropriated from the general revenues of the State the sum of \$707,650, to the legislative reference bureau for the following expenses: (a) the sum of \$490,108, or so much thereof as may be necessary, for defraying the expenses of the legislative reference bureau during the fiscal year 1975-76; and (b) the sum of \$217,542, or so much thereof as may be necessary, for defraying the expenses of the office of the revisor of statutes during the fiscal year 1975-76.

SECTION 8. There is hereby appropriated from the general revenues of the State the sum of \$210,757, or so much thereof as may be necessary, to the office of the ombudsman for defraying the expenses of the office during the fiscal year 1975-76.

SECTION 9. As of the close of business on June 30, 1976, the unex-

pending or unencumbered balance of any appropriation made by this Act shall lapse into the general fund.

SECTION 10. Each section of this Act is hereby declared to be severable from the remainder of this Act.

SECTION 11. This Act shall take effect upon its approval.

(Approved January 31, 1975.)

## ACT 2

H.B. NO. 171

A Bill for an Act Amending Chapter 24, Hawaii Revised Statutes.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 24-1, Hawaii Revised Statutes, is amended to read:

**"Sec. 24-1 Allowance for incidental expenses.** Each member of the legislature shall receive an annual allowance of \$1,500, which amount is to cover incidental expenses connected with legislative duties and the amount shall be payable in a manner prescribed by the respective rules of each house."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes may exclude the brackets, the bracketed material, and the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved February 26, 1975.)

## ACT 3

H.B. NO. 1188

A Bill for an Act Making an Appropriation for the Construction of Hamilton Library, Phase II, at the University of Hawaii, Manoa Campus, and Authorizing the Issuance of General Obligation Bonds.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Findings and Declaration of Necessity. The Legislature finds and declares that: (a) bids for the construction of Hamilton Library, Phase II, were opened on December 19, 1974, and the low bid of \$10,880,000 was \$3,084,000 higher than available funds from prior appropriations; (b) the high bids were due to the drastic rate of inflation that has occurred during the past year; (c) the low bidder has agreed to hold his present bid until March 15, 1975; (d) rebid or redesign of this project could not be expected to give better results since inflationary costs add approximately 2 percent per month to the construction costs; and (e) pursuant to Article VI, section 5, of the Constitution of the State of Hawaii, the Governor has recommended immediate passage of this appropriation.

\*Edited accordingly.

**ACT 4**

SECTION 2. There is hereby appropriated out of the general obligation bond funds of the State of Hawaii, the sum of \$3,084,000, or so much thereof as may be necessary, to be expended by the department of accounting and general services, for the construction of Hamilton Library, Phase II, at the University of Hawaii, Manoa Campus.

SECTION 3. The director of finance is authorized to issue general obligation bonds of the State to yield the amount of \$3,084,000 appropriated by this Act.

SECTION 4. This Act shall take effect upon its approval.  
(Approved March 14, 1975.)

**ACT 4**

**S.B. NO. 559**

A Bill for an Act Relating to Workmen's Compensation.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 386-43(b), Hawaii Revised Statutes, is amended to read as follows:

“(b) The aggregate weekly benefits payable on account of any one death shall not exceed the product of 312 times the effective maximum weekly benefit rate prescribed in section 386-31, but this limitation shall not apply with respect to benefits to a surviving spouse who is physically or mentally incapable of self-support and unmarried as long as he or she remains in that condition and to benefits to a child and to benefits to an unmarried child over eighteen incapable of self-support as long as he or she is otherwise entitled to such compensation.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.  
(Approved April 9, 1975.)

**ACT 5**

**S.B. NO. 1345**

A Bill for an Act Relating to Boards and Commissions.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 371-4(f), Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 371-4 (f)** The chairman of the board shall employ employees as may be required to carry out the board's duties, shall assign the work of the

\*Edited accordingly.

board to the members thereof and its employees and shall serve as administrative officer of the board. Employees of the board, other than clerical and stenographic employees, shall be exempt from chapters 76 and 77.”

SECTION 2. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved April 9, 1975.)

ACT 6

H.B. NO. 373

A Bill for an Act Relating to General Obligation Bonds of the State of Hawaii.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Notwithstanding the interest rate limitation contained in section 39-5, Hawaii Revised Statutes, bonds issued after March 31, 1975 but prior to April 1, 1976 under part 1 of Chapter 39, Hawaii Revised Statutes, may bear interest, payable annually or semi-annually, at a rate or rates not exceeding eight per cent a year.

SECTION 2. This Act shall take effect upon its approval.

(Approved April 9, 1975.)

ACT 7

S.B. NO. 335

A Bill for an Act Relating to the University of Hawaii and Repealing Statutory Provisions Providing for the Land Study Program and the Economic Research Center.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 304-50, Hawaii Revised Statutes, is repealed.

SECTION 2. Section 304-51, Hawaii Revised Statutes, is repealed.

SECTION 3. Section 304-52, Hawaii Revised Statutes, is repealed.

SECTION 4. Section 304-53, Hawaii Revised Statutes, is repealed.

SECTION 5. Section 304-54, Hawaii Revised Statutes, is repealed.

SECTION 6. Material to be repealed is bracketed. In printing this Act, the revisor of statutes need not include the brackets or the bracketed material.\*

SECTION 7. This Act shall take effect upon its approval.

(Approved April 28, 1975.)

\*Edited accordingly.

A Bill for an Act Relating to the Hawaii Insurance Law.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 431, Hawaii Revised Statutes, is amended by adding a new section to read:

**"Sec. 431- Power to fine.** After hearing and in addition to or in lieu of the suspension, revocation or refusal to extend any certificate of authority, the insurance commissioner may levy a fine upon the insurer in amount not less than \$500 and not more than \$25,000. The order levying the fine shall specify the period within which the fine shall be fully paid, and which period shall not be less than thirty nor more than forty-five days from the date of the order. Upon failure to pay any such fine when due, the commissioner shall revoke the insurer's certificate of authority if not already revoked, and the fine shall be recovered in a civil action brought in behalf of the commissioner by the attorney general. Any fine so collected shall be paid by the commissioner to the director of finance for the account of the general fund."

SECTION 2. Section 431-405, Hawaii Revised Statutes, is amended to read:

**"Sec. 431-405 Power to fine.** After hearing and in addition to or in lieu of the suspension, revocation, or refusal to extend any such license, the insurance commissioner may levy a fine upon the licensee in amount not less than \$100 and not more than \$1,000. The order levying the fine shall specify the period within which the fine shall be fully paid, and which period shall be not less than thirty nor more than forty-five days from the date of the order. Upon failure to pay any such fine when due, the commissioner shall revoke the licenses of the licensee if not already revoked, and the fine shall be recovered in a civil action brought in behalf of the commissioner by the attorney general. Any fine so collected shall be paid by the commissioner to the director of finance for the account of the general fund."

SECTION 3. Section 431-407, Hawaii Revised Statutes, is amended to read:

**"Sec. 431-407 Fine in lieu.** (a) Upon the hearing of an appeal from an order suspending, revoking, or refusing to extend any license issued under sections 431-361 to 431-407, the court, if it finds that the licensee is guilty of violation of the law and if it deems the suspension, revocation, or refusal too severe a penalty under the facts as found, may impose a fine of not more than \$1,000 in lieu thereof, and payment of the fine within ten days thereafter shall reinstate, restore or extend, the license.

(b) If it appears that a license of the licensee has theretofore been suspended, revoked, or refused for a similar offense, the court shall not have jurisdiction to impose a fine in lieu of the action required by the order appealed from."

SECTION 4. Section 431-707, Hawaii Revised Statutes, is amended to read:



**“Sec. 431-707 Penalties.** (a) The insurance commissioner may, if he finds any person or organization has violated any provision of the casualty rating law, impose a penalty of not more than \$500 for each violation, but if he finds the violation to be wilful he may impose a penalty of not more than \$5,000 for each such violation. The penalties may be in addition to any other penalty provided by law.

(b) The commissioner may suspend the license of any rating organization or insurer which fails to comply with an order of the commissioner within the time limited by the order, or any extension thereof which the commissioner may grant. The commissioner shall not suspend the license of any rating organization or insurer for failure to comply with an order until the time prescribed for an appeal therefrom has expired or if an appeal has been taken, until the order has been affirmed. The commissioner may determine when a suspension of license shall become effective and it shall remain in effect for the period fixed by him unless he modifies or rescinds such suspension, or until the order upon which the suspension is based is modified, rescinded, or reversed.

(c) No penalty shall be imposed and no license shall be suspended or revoked except upon a written order of the commissioner, stating his findings, made after a hearing held upon not less than ten days’ written notice to the person or organization specifying the alleged violation.”

SECTION 5. Section 431-725, Hawaii Revised Statutes, is amended to read:

**“Sec. 431-725 Penalties.** (a) The insurance commissioner may, if he finds that any person or organization has violated any provision of the fire rating law, impose a penalty of not more than \$500 for each violation but if he finds the violation to be wilful he may impose a penalty of not more than \$5,000 for each such violation. The penalties may be in addition to any other penalty provided by law.

(b) The commissioner may suspend the license of any rating organization or insurer which fails to comply with an order of the commissioner within the time limited by the order, or any extension thereof which the commissioner may grant. The commissioner shall not suspend the license of any rating organization or insurer for failure to comply with an order until the time prescribed for an appeal therefrom has expired or if an appeal has been taken, until the order has been affirmed. The commissioner may determine when a suspension of license shall become effective and it shall remain in effect for the period fixed by him, unless he modifies or rescinds the suspension, or until the order upon which the suspension is based is modified, rescinded, or reversed.

(c) No penalty shall be imposed and no license shall be suspended or revoked except upon a written order of the commissioner, stating his findings, made after a hearing held upon not less than ten days’ written notice to such person or organization specifying the alleged violation.”

SECTION 6. Statutory material to be repealed is bracketed. New ma-

ACT 9

terial is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 7. This Act shall take effect upon its approval.

(Approved April 28, 1975.)

ACT 9

S.B. NO. 966

A Bill for an Act Relating to the Hawaii Bicentennial Commission.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Act 98, Session Laws of Hawaii 1970, is amended by adding a new section to read as follows:

“SECTION 3a. Logotype, regulation. (a) The Hawaii Bicentennial Commission may adopt or otherwise designate an appropriate logotype, symbol, emblem, or other graphic notation to signify, identify, or otherwise represent the Hawaii Bicentennial Commission, and its authority, function, participation, or sanction. The commission may adopt, amend, and repeal rules, subject to chapter 91, to govern the use of the logotype, symbol, emblem, or other graphic notation adopted by the Hawaii Bicentennial Commission under this section.

(b) No person shall use, cause to be used or allow to be used, the logotype, symbol, emblem, or other graphic notation adopted by the commission except in accordance with the purpose of this Act, and subject to the rules of the commission. Any person violating this section or rules adopted thereunder shall be guilty of a misdemeanor.”

SECTION 2. New material is underscored. In printing this Act, the revisor of statutes need not include the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved April 28, 1975.)

ACT 10

S.B. NO. 1140

A Bill for an Act Relating to the Residential Landlord-Tenant Code.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 521-8, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

“( ) “Normal wear and tear” means deterioration or depreciation in value by ordinary and reasonable use but does not include items that are missing from the dwelling unit.”

SECTION 2. New statutory material is underscored. In printing this Act, the revisor of statutes need not include the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved April 28, 1975.)

\*Edited accordingly.

## ACT 11

S.B. NO. 1303

A Bill for an Act Relating to the Lien on Personalty for Work Done and Materials Furnished.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 507-18, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 507-18 Lien on personalty for work done and materials furnished.** A person who makes, alters, or repairs any article of personal property at the request of the owner of the property, shall have a lien on the same for the reasonable charges for the work done and materials furnished, and may retain possession of the same until the charges are paid, provided that the lien hereunder on a motor vehicle registered pursuant to chapter 286 shall not exceed the sum of \$500 unless the consent of the person registered as the legal or registered owner under chapter 286 has been obtained for the work done and materials furnished.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved April 28, 1975.)

## ACT 12

H.B. NO. 606

A Bill for an Act Relating to Public Officers or Employees Serving on Boards or Commissions.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 78-5, Hawaii Revised Statutes, is amended to read:

**“Sec. 78-5 Public officer or employee serving on state or county board or commission.** Any prohibition in any law against the holding of outside employment or dual public office, employment, or position by a state or county officer or employee shall not bar the appointment of a public officer or employee to membership on a commission or board; unless service on the commission or board would be inconsistent or incompatible with or would tend to interfere with the duties and responsibilities of the other office, employment or position held by the officer or employee.

(b) The foregoing provision shall not be construed to permit an officer or employee to serve as a member of any civil service commission nor to permit him to receive compensation, other than expenses, as a member of any board or commission.

\*Edited accordingly.

## ACT 13

(c) When any officer or employee must be away from his regular work because of service as a member on a board or commission, he shall not, as a result of the absence, suffer any loss of his regular salary or wages.

The time spent in service as a board or commission member shall not be credited as time worked for purposes of overtime compensation."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved April 28, 1975.)

## ACT 13

H.B. NO. 849

A Bill for an Act Relating to the Right of Purchaser to Return Insurance Policy without Obligation.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 431, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**"Sec. 431- Right to return policy.** Every individual life insurance policy and every individual disability insurance policy, except single premium nonrenewable policies or travel accident policies, issued for delivery in this State, shall have printed thereon or attached thereto a notice in ten-point bold type stating in substance that the person to whom the policy is issued is entitled to return the policy or contract within ten days of its receipt by said purchaser and to have the premium paid refunded if the purchaser is not satisfied with it for any reason. If a purchaser pursuant to such notice, mails or delivers the policy to the company or association at its home or branch office or to the agent through whom it was purchased, it shall be void from the beginning and the parties shall be in the same position as if no policy had been issued. When an individual life insurance policy is mailed or delivered by the purchaser within the ten-day period, the insurer may be reimbursed for the actual medical examination expenses incurred in processing the policy or contract, provided the foregoing notice includes a statement to this effect."

SECTION 2. New statutory material is underscored. In printing this Act, the revisor of statutes need not include the underscoring.\*

SECTION 3. This Act shall take effect 90 days after its approval.

(Approved April 28, 1975.)

\*Edited accordingly.

## ACT 14

S.B. NO. 527

A Bill for an Act Relating to the Uniform Act on Status of Convicted Persons.  
*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 716-1, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 716-1† Definition.** In this chapter, "felony" means an offense that is punishable with imprisonment for a term which is in excess of one year."

SECTION 2. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.  
 (Approved April 29, 1975.)

## ACT 15

S.B. NO. 1656

A Bill for an Act Relating to the Public Employees Health Fund.  
*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 87-29, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 87-29 Other duties.** The board of trustees shall:

- (1) Authorize the director of finance to make periodic charges and payments from the fund only upon vouchers countersigned by the chairman and such other person as may be designated by the board of trustees;
- (2) Maintain accurate records and accounts of all financial transactions of the fund which shall be audited annually and summarized in an annual report by the state comptroller;
- (3) Maintain suitable and adequate records to carry out the purpose of the fund; and
- (4) Procure a fidelity bond of a reasonable amount for the chairman and any other person authorized to handle money of the fund."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 3. This Act shall take effect on July 1, 1975.  
 (Approved April 29, 1975.)

\*Edited accordingly.

†This section has been renumbered 731-1 in conformity with Act 9, SL 1972.

A Bill for an Act Relating to the University of Hawaii.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 304-4, Hawaii Revised Statutes, is amended to read:

**"Sec. 304-4 Powers of regents; official name.** The board of regents shall have general management and control of the affairs of the university. It may appoint a treasurer and such other officers as it deems necessary. It may authorize any officer elected or appointed by it to approve and sign on its behalf any voucher or other document which the board may approve and sign. It may purchase or otherwise acquire lands, buildings, appliances, and other property for the purposes of the university and expend such sums of money as may be from time to time placed at the disposal of the university from whatever source. All lands, buildings, appliances, and other property so purchased or acquired shall be and remain the property of the university to be used in perpetuity for the benefit of the university.

The board may charge a resident tuition fee for regular courses of instruction at any University of Hawaii campus including any community college; provided that the tuition fee for nonresident students, both undergraduate and graduate, shall be not less than two times the tuition fee for resident students, but in no event less than two times the undergraduate tuition fee for resident students at the Manoa Campus. The board may also charge other fees for special programs of instruction, as well as laboratory fees or course fees or fees for student activities, each of which shall be the same for resident and nonresident students. The board may charge other fees for summer session or evening courses, including differential fees for nonresident students. The nonresident tuition differential shall not be applicable to nonresident students who were enrolled at the university during the fall or spring semester of the 1968-1969 school year, as long as the nonresident students continue to be enrolled at the university as regular students during the next and subsequent academic years, except where such continued enrollment is prevented for good cause as may be determined by the board of regents, nor to nonresident students who are residents of a state or foreign country which permits Hawaii residents to pay resident tuition fees while attending public institutions of higher learning in such state or foreign country, nor to nonresidents, United States military personnel stationed in Hawaii on active duty and their authorized dependents during the period such personnel are stationed in the State, nor to students from any district, commonwealth, territory, or insular jurisdiction, state, or nation which does not provide public institutions of higher learning, nor to employees of the University, their spouses and dependents. The board may waive entirely or reduce the tuition fee or any of the other fees for any students, resident or nonresident, who are well qualified or in need of financial assistance, not exceeding 600 in number, which shall be counted as part of the quota of financial aids allocable to the baccalaureate campuses in the system. The

board may waive entirely or reduce the tuition fee or any of the other fees for graduate teaching and research assistants. The board may enter into agreements with government and university officials of any other state or foreign country to provide for reciprocal waiver of the nonresident tuition differential.

The board shall adopt the necessary rules and regulations defining residence for tuition purposes herein; provided that the basic rule shall be that adult and minor students are resident students if the adult students, or in the case of minor students, their parents or guardians, have been bona fide residents of this State for at least twelve consecutive months next preceding their first registration at the university.

The official name of the board shall be Board of Regents, University of Hawaii, and the board shall adopt and use a common seal by which all official acts shall be authenticated."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved April 29, 1975.)

## ACT 17

H.B. NO. 424

A Bill for an Act Relating to Credit Disability Insurance.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 435-7, Hawaii Revised Statutes, is amended to read:

**"Sec. 435-7 Filing, approval and withdrawal of forms and premium rates.**

(a) All policies, certificates of insurance, notices of proposed insurance, applications for insurance, endorsements, and riders delivered or issued for delivery in this State and the schedules of premium rates pertaining thereto shall be filed with the commissioner for approval. Forms and rates so filed shall be approved at the expiration of thirty days after filing, unless earlier approved or disapproved by the commissioner. The commissioner by written notice to the insurer may, within the thirty-day period, extend the period for approval or disapproval for an additional thirty days.

(b) The commissioner shall, within the waiting period or any extension thereof after the filing of any such policies, certificates of insurance, notices of proposed insurance, applications for insurance, endorsements, and riders and premium rates, disapprove any such form or any premium rates if the benefits provided are not reasonable in relation to the premium charge, or if the form contains provisions which are unjust, unfair, inequitable, misleading, deceptive, or encourage misrepresentation of the coverage, or are contrary to any provision of chapter 431, or of any rule or regulation promulgated thereunder.

\*Edited accordingly.

(c) The benefits provided by any such policy form shall not be deemed reasonable in relation to the premium charged or to be charged if the ratio of losses incurred to premiums earned is not at least fifty per cent or may not reasonably be expected to be at least fifty per cent. In the determination of the reasonableness of the relation of benefits and premiums consistent with a fifty per cent loss ratio, the commissioner may establish a common authorized premium rate for similar or substantially similar coverage by class of creditor. The commissioner may approve a higher rate than such common rate where a creditor's experience under a specific policy form reasonably indicates an ultimate loss ratio higher than fifty per cent, but the commissioner shall limit the use of such higher rate to those creditors whose experience was the basis of the approval of such higher rates. The commissioner shall require insurers to file such information as he deems necessary to determine that this standard is met each two years, or more often in his discretion, on forms recommended by the national association of insurance commissioners for that purpose. Upon giving such notice as is required by law, the commissioner may withdraw approval of any such form including the rate set forth therein, on the ground that a reasonable relation of benefits to premiums no longer exists or may approve a higher or lower rate if justified by experience.

The commissioner shall promulgate a rate that shall be deemed acceptable as satisfying this standard without any actuarial or statistical filing; provided that for a one-year period, or for such longer period as the commissioner feels is required to produce credible mortality and morbidity data, a creditor may make an identifiable charge to a debtor not to exceed the following:

- (1) Life: (declining balance term) 75 cents per year per \$100 of initial insured indebtedness to be paid in equal installments over a one-year period. If premiums or identifiable charges are calculated on other than an advance single premium basis, they shall not exceed the actuarial equivalent of the foregoing.

If premiums are payable on other than a single premium basis, they shall not exceed the substantial actuarial equivalent of the foregoing 75 cent rate.

Premiums and premium rates for insurance covering obligations payable in other than substantially equal monthly installments during the period of coverage shall be determined in a manner resulting in a rate not exceeding the substantial actuarial equivalent of the foregoing 75 cent rate.

- (2) Disability: The disability rates as set forth below shall be the maximum rates applicable to policies which exclude all disabilities resulting from intentional self-inflicted injury, pregnancy, flights in nonscheduled aircraft, and pre-existing illness, disease, or physical condition for which the debtor received or was professionally advised to obtain medical advice, consultation, or treatment during the six-month period preceding the effective date of the debtor's coverage and which caused disabilities within the six months following the effective date of coverage. Premiums or identifiable charges for (a) coverage other than shown above, and (b) maturities or waiting pe-



riods other than those shown below, must be actuarially consistent with those shown below.

Number of Months in which Indebted- ness is Repayable	Non-Retroactive Benefits			Retroactive Benefits		
	30-day	14-day	7-day	30-day	14-day	7-day
0-12	.80	1.50	2.30	1.70	2.20	3.00
13-24	1.60	2.00	3.20	2.50	3.00	4.00
25-36	2.30	2.50	4.15	3.30	3.80	5.00
37-48	2.90	3.00	4.70	3.80	4.30	6.00
49-60	3.30	3.50	5.15	4.30	4.70	7.00

A credit insurance policy issued under the above life and disability may exclude from the classes eligible for insurance, classes of debtors determined by age and provide for the cessation of insurance or reduction in the amount of insurance upon attainment of specified ages.

In order to determine whether or not the benefits provided in a particular policy form submitted by an insurer are reasonable in relation to the premium charged for the policy and to facilitate the submission and approval of policy forms and premium rates to be used in connection therewith, the commissioner shall give full consideration and make reasonable allowances for mortality cost or morbidity cost and other relevant factors and trends. Any such changed maximum rate of premium or identifiable charge shall not affect any insurance then in force on debtors.

(d) After the one-year period, or such longer period deemed necessary by the commissioner as provided in subsection (c), the commissioner shall by regulation establish prima facie acceptable premium rates, except as set forth below, which shall be usable without statistical justification when filed together with an otherwise acceptable policy form submission. The rates shall produce or shall reasonably be expected to produce a ratio of losses incurred to premiums earned of at least fifty per cent. The regulation shall specify the plans of benefits to which the premium rates apply.

(e) The commissioner shall approve deviations to rates higher than the prima facie acceptable rates upon filing of reasonable evidence that loss experience for a creditor or a class of creditors exceeds the average loss experience used to determine the established rate and shall base his determination on the fifty per cent loss ratio standard, except where the deviated rate exceeds 75 cents per \$100 initial insurance per year for reducing term credit life insurance and its actuarial equivalent for other forms of credit life insurance, a reasonable variance from the fifty per cent loss ratio standard may be required. Such deviation may be limited to the debtors or creditors whose experience was the statistical basis for the filing.

(f) Credit life insurance policies for which premium rates vary by individual ages or by age brackets shall be filed as provided in this section and the commissioner shall approve or disapprove such filings in accordance with the fifty per cent loss ratio standard and the other applicable provisions of law.

(g) If the commissioner notifies the insurer that the form or premium rate is disapproved, it shall be unlawful thereafter for the insurer to issue or use the form or premium rate. In the notice the commissioner shall specify the reason

for his disapproval and state that a hearing will be granted within twenty days after request in writing by the insurer. No such policy, certificate of insurance, notice of proposed insurance, nor any application, endorsement, or rider or premium rate, shall be issued or used until the expiration of thirty days after it has been so filed, unless the commissioner gives his prior written approval.

(h) The commissioner may, at any time after a hearing held not less than twenty days after written notice to the insurer, withdraw his approval of any such form or premium rate on any ground set forth in subsection (b). The written notice of the hearing shall state the reason for the proposed withdrawal.

(i) It shall be unlawful for the insurer to issue or use forms or premium rates after the effective date of their withdrawal.

(j) If a group policy of credit life insurance or credit disability insurance (1) has been delivered in this State before July 1, 1969, or (2) has been or is delivered in another state before or after July 1, 1969, the insurer shall be required to file only the group certificate and notice of proposed insurance delivered or issued for delivery in this State as specified in subsections (b) and (e) of section 435-6 and these forms shall be approved by the commissioner if (1) they conform with the requirements specified in said subsections; (2) they are accompanied by a certification in a form satisfactory to the commissioner that the substance of the forms are in substantial conformity with the master policy; and (3) the schedules of premium rates applicable to the insurance evidenced by the certificate or notice are not in excess of the insurer's schedules of premium rates filed with and approved by the commissioner; provided the premium rate in effect on existing group policies may be continued until the first policy anniversary date following July 1, 1969.

(k) Any order or final determination of the commissioner under this section shall be subject to chapter 91."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 3. This Act shall take effect 90 days after approval.

(Approved April 29, 1975.)

## ACT 18

H.B. No. 428

A Bill for an Act Relating to Violations of the Motor Carrier Law.

*Be It Enacted By The Legislature Of The State Of Hawaii:*

SECTION 1. Section 271-27, Hawaii Revised Statutes, is amended to read as follows:

"**Sec. 271-27 Unlawful operation.** (a) Any person knowingly and wilfully violating any provision of this chapter, or any rule, regulation, requirement,

\*Edited accordingly.

or order thereunder, or any term or condition of any certificate or permit for which a penalty is not otherwise herein provided, shall be guilty of a misdemeanor.

(b) Any person, whether carrier, shipper, or consignee, or any officer, employee, agent, or representative thereof, who knowingly offers, grants, or gives, or solicits, accepts, or receives any rebate, concession, or discrimination in violation of any provisions of this chapter, or who by means of any false statement or representation or by the use of any false or fictitious bill, bill of lading, receipt, voucher, roll, account, claim, certificate, affidavit, deposition, lease, or bill of sale, or by any other means or device, knowingly and wilfully assists, suffers, or permits any person or persons, natural or artificial, to obtain transportation of passengers or property subject to this chapter for less than the applicable rate, fare, or charge, or who knowingly and wilfully by any such means or otherwise fraudulently seeks to evade or defeat regulation as in this chapter provided for motor carriers, shall be deemed guilty of a misdemeanor.

(c) Any special agent, accountant, or examiner who knowingly and wilfully divulges any fact or information which may come to his knowledge during the course of any examination or inspection made under authority of sections 271-9(a) (5), 271-23, and 271-25, except as he may be directed by the commission or by a court or judge thereof, shall be guilty of a misdemeanor.

(d) It shall be unlawful for any motor carrier or any officer, receiver trustee, lessee, agent, or employee of the carrier, or for any other person authorized by such carrier or person to receive information, knowingly to disclose to, or permit to be acquired by any person other than the shipper or consignee without the consent of the shipper or consignee, any information concerning the nature, kind, quantity, destination, consignee, or routing of any property tendered or delivered to the motor carrier for transportation, which information may be used to the detriment or prejudice of the shipper or consignee, or which may improperly disclose his business transactions to a competitor; and it shall also be unlawful for any person to solicit or knowingly receive any such information which may be so used.

(e) Nothing in this chapter shall be construed to prevent the giving of such information in response to any legal process issued under the authority of any court, or to any officer or agent of the government of the United States or of any state or of any political subdivision of any state, in the exercise of his power or to any officer or other duly authorized person seeking the information for the prosecution of persons charged with or suspected of crimes or to another carrier, or its duly authorized agents, for the purpose of adjusting mutual traffic accounts in the ordinary course of business of the carriers.

(f) Any motor carrier or any officer, agent, employee, or representative thereof, who wilfully fails or refuses to make a report to the commission as required by this chapter, or to make specific and full, true, and correct answer to any question within thirty days from the time it is lawfully required by the commission, or to keep accounts, records, and memoranda in the form and manner prescribed by the commission, or knowingly and wilfully falsifies, destroys, mutilates, or alters any report, account, record, or memorandum or

knowingly and wilfully files with the commission any false report, account, record, or memorandum, or knowingly and wilfully neglects or fails to make full, true, and correct entries in the accounts, records, or memoranda of all facts and transactions appertaining to the business of the carrier, or person required under this chapter to keep the same, or knowingly and wilfully keeps any accounts, records, or memoranda contrary to the rules, regulations, or orders of the commission with respect thereto, shall be deemed guilty of a misdemeanor. As used in this subsection, the words "keep" and "kept" mean made, prepared, or compiled, as well as retained.

(g) Any motor carrier or lessor, or any officer, agent, employee, or representative thereof, who shall fail or refuse to comply with any provision of this chapter, or any rule, regulation, requirement or order thereunder, may be assessed a civil penalty payable to the State in the sum of \$100 for each such offense, and, in the case of a continuing violation, not to exceed \$50 for each additional day during which such failure or refusal shall continue.

(h) Except when required by state law to take immediately before a district judge a person arrested for violation of any provision of this part, including any rule or regulation adopted and promulgated pursuant to this part, any person authorized to enforce the provisions of this part, hereinafter referred to as enforcement officer, upon arresting a person for violation of any provision of this part, including any rule or regulation adopted and promulgated pursuant to this part shall issue to the alleged violator a summons or citation printed in the form hereinafter described, warning him to appear and answer to the charge against him at a certain place and at a time within seven days after such arrest.

The summons or citation shall be printed in a form comparable to the form of other summonses and citations used for arresting offenders and shall be designed to provide for inclusion of all necessary information. The form and content of such summons or citation shall be adopted or prescribed by the district courts.

The original of a summons or citation shall be given to the alleged violator and the other copy or copies distributed in the manner prescribed by the district courts; provided that the district courts may prescribe alternative methods of distribution for the original and any other copy.

Summonses and citations shall be consecutively numbered and the carbon copy or copies of each shall bear the same number.

Any person who fails to appear at the place and within the time specified in the summons or citation issued to him by the enforcement officer upon his arrest for violation of any provision of this part, including any rule or regulation promulgated pursuant to this part, shall be guilty of a misdemeanor.

In the event any person fails to comply with a summons or citation issued to such person, or if any person fails or refuses to deposit bail as required, the enforcement officer shall cause a complaint to be entered against such person and secure the issuance of a warrant for his arrest.

When a complaint is made to any prosecuting officer of the violation of any provision of this part, including any rule or regulation promulgated thereunder, the enforcement officer who issued the summons or citation shall subscribe to it under oath administered by another official of the department of

regulatory agencies whose name has been submitted to the prosecuting officer and who has been designated by the director of regulatory agencies to administer the same.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved April 29, 1975.)

## ACT 19

H.B. No. 857

A Bill for an Act Relating to the Fuel Tax Law and Amending Section 243-4, Hawaii Revised Statutes.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Notwithstanding the state fuel tax rate contained in items numbered (3), (4), (5), and (6) of section 243-4(a), Hawaii Revised Statutes, the state fuel tax imposed under said items of section 243-4(a), after May 1, 1975 but prior to July 1, 1976, shall be at the rate of 8½ cents for each gallon of liquid fuel other than fuel mentioned in items (1) and (2) of section 243-4(a) sold or used.

SECTION 2. Notwithstanding the state fuel tax rate contained in items number (1), (2), (3), and (4) of section 243-4(b), Hawaii Revised Statutes, the state fuel tax imposed under said items of section 243-4 (b), after May 1, 1975 but prior to July 1, 1976, shall be at the rate of 7½ cents for each gallon of diesel oil sold or used.

SECTION 3. This Act shall take effect on its approval.

(Approved April 29, 1975.)

## ACT 20

H.B. NO. 1851

A Bill for an Act Relating to the Department of the Attorney General.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 26-7, Hawaii Revised Statutes, is amended to read:

**“Sec. 26-7 Department of the attorney general.** The department of the attorney general shall be headed by a single executive to be known as the attorney general.

The department shall administer and render state legal services, including furnishing of written legal opinions to the governor, legislature, and such

\*Edited accordingly.

state departments and officers as the governor may direct; represent the State in all civil actions in which the State is a party; approve as to legality and form all documents relating to the acquisition of any land or interest in lands by the State; and, unless otherwise provided by law, prosecute cases involving violations of state laws and cases involving agreements, uniform laws, or other matters which are enforceable in the courts of the State. The attorney general shall be charged with such other duties and have such authority as heretofore provided by common law or statute.

There shall be within the department of the attorney general a commission to be known as the commission to promote uniform legislation which shall sit in an advisory capacity to the attorney general and to the legislature on matters relating to the promotion of uniform legislation. The composition of the commission shall be as heretofore provided for the commission to promote uniform legislation existing immediately prior to November 25, 1959. The members of the commission shall be nominated, and by and with the advice and consent of the Senate, appointed by the governor for terms of four years each, provided that each member shall hold office until his successor is appointed and qualified; and provided also that the provisions of section 26-34, limiting the appointment of members of boards and commissions to two terms and the duration of membership to not more than eight consecutive years shall not be applicable.

The functions and authority heretofore exercised by the attorney general, high sheriff, and the commission to promote uniform legislation as heretofore constituted are transferred to the department of the attorney general established by this chapter."

SECTION 2. New material is underscored. In printing this Act, the revisor of statutes need not include the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved April 29, 1975.)

A Bill for an Act Relating to Regulation of Mortuaries.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 441, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"**Sec. 441- Mortuary license.** The mortuary license provided in this chapter shall be in addition to the license and requirements of the department of health and any county regulations or requirements which shall not be affected by this chapter."

\*Edited accordingly.

SECTION 2. Section 441-1, Hawaii Revised Statutes, is amended as follows:

1. By adding two new definitions to be appropriately inserted and to read:

“Funeral services” means arranging for or providing for pick up of human remains, embalming, placing the same on display, or otherwise providing for final disposition of human remains.

“Mortuary authority” means any person who undertakes to furnish funeral services and related commodities.”

2. By amending the definition of “board” to read:

“Board” means the cemetery and mortuary board of the State as hereinafter constituted.”

SECTION 3. Section 441-18, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 441-18 Cemetery and mortuary board.** (a) There shall be a cemetery and mortuary board of seven members appointed by the governor in the manner prescribed in section 26-34. Provided that no two members of the board shall be employed by or associated with the same cemetery or mortuary authority or organization dealing in any manner with any mortuary or cemetery property.

(b) (1) Two members of the board shall be persons who have been actively engaged in the administration of perpetual care cemeteries for a period of not less than three years immediately preceding the date of their appointment.

(2) Two members of the board shall be persons who have been actively engaged in the administration of a mortuary for a period of not less than three years immediately preceding the date of their appointment.

(3) Three members of the board shall be noncemetery members and shall be public members of the board.

(4) Four members shall be residents of the city and county of Honolulu and the other three shall be residents of the counties of Hawaii, Maui, and Kauai, respectively.

(5) No member shall receive any compensation for his services but shall be reimbursed for his necessary travel expenses incurred in the performance of his duties in attending meetings on an island other than that of the board member’s residence.

(c) Organization, records, reports. Immediately upon the appointment and qualification of the original members, and annually thereafter, the board shall organize by the election of one member as chairman and one member as vice chairman. The board shall keep a complete record of all its proceedings and shall present annually to the governor a detailed statement of the receipts and disbursements of the board during the preceding year, with a statement of its acts and proceedings and such recommendations as the board deems proper. The board is placed within the department of regulatory agencies for administrative purposes.”

SECTION 4. Section 441-19, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 441-19 Powers and duties of board.** In addition to any other duties and powers granted by this chapter the cemetery and mortuary board shall, pursuant to chapter 91:

- (1) Grant licenses to mortuary, cemetery, and pre-need funeral authorities pursuant to this chapter;
- (2) Grant licenses to mortuary, cemetery, and pre-need funeral salesmen pursuant to this chapter;
- (3) Examine applicants for licenses;
- (4) Make, amend, or repeal such rules and regulations as it deems proper to fully effectuate this chapter and carry out the purpose thereof, which purpose is the protection of the general public in its acquisitions of cemetery property, pre-need interment services, at-need funeral services, and pre-need funeral services. The rules and regulations may forbid acts or practices deemed by the board to be detrimental to the accomplishment of the purpose of this chapter, and the rules and regulations may require mortuary, cemetery, and pre-need funeral authorities and salesmen to make reports to the board containing such information as will better enable the board to enforce this chapter and the rules and regulations, or as will better enable the board from time to time to amend the rules and regulations to more fully effectuate the purpose of this chapter, and further, the rules and regulations may require mortuary, cemetery, and pre-need funeral authorities and salesmen to furnish reports to their clients containing such matters of information as the board deems necessary to promote the purpose of this chapter; provided that this enumeration of specific matters which may properly be made the subject of rules and regulations shall not be construed to limit the board's broad general power to make all rules and regulations necessary to fully effectuate the purpose of this chapter;
- (5) Enforce this chapter and rules and regulations adopted pursuant thereto;
- (6) Suspend or revoke any license for any cause prescribed by this chapter, or for any violation of the rules and regulations, and refuse to grant any license for any cause which would be ground for revocation or suspension of a license;
- (7) Report to the governor annually and at such other times and in such other manner as he may require concerning its activities;
- (8) Publish and distribute pamphlets and circulars containing such information as it deems proper to further the accomplishments of the purpose of this chapter.”

SECTION 5. Section 441-20, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 441-20 License required to act as mortuary, cemetery, or pre-need funeral authority.** No person shall act as a mortuary, cemetery, or pre-need



funeral authority without a license previously issued by the cemetery and mortuary board in compliance with this chapter and the rules and regulations of the board; provided that the board shall exempt any cemetery authority upon its proof satisfactory to the board that it will not make any additional interments."

SECTION 6. Section 441-21, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 441-21 No mortuary, cemetery, or pre-need funeral authority license issued when.** No mortuary, cemetery, or pre-need funeral authority license shall be issued:

- (1) To any person unless he has filed an application therefor;
- (2) To any person who does not possess a good reputation for honesty, truthfulness, financial integrity, and fair dealing;
- (3) To any person unless it is a religious institution, corporation, county, or any association which has a perpetual existence; provided that the board may issue a cemetery authority license to any person who is in bona fide operation as a cemetery authority on June 4, 1967; provided further that a pre-need funeral authority license may be issued to any person who is in bona fide operation as a pre-need funeral authority on July 14, 1969; and provided further that a mortuary authority license may be issued to any person who is in bona fide operation as a mortuary authority on July 1, 1975;
- (4) To any person unless he files with the board a bond as required by section 441-22."

SECTION 7. Section 441-22, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 441-22 Bond.** Each mortuary, cemetery, or pre-need funeral authority licensed hereunder, except as otherwise provided in section 441-22.1, shall file and maintain with the cemetery and mortuary board a bond (1) in the penal sum of \$50,000 for each new license, and for the renewal of a license for a mortuary, cemetery, or pre-need funeral authority whose gross income as a mortuary, cemetery, or pre-need funeral authority for the taxable year preceding the year of renewal totalled \$50,000 or more, and (2) in the penal sum of \$5,000 for any other cemetery authority, all of such bonds to be issued by a surety company authorized to do business in the State, and running to the State. The bond shall be conditioned that the mortuary, cemetery, or pre-need funeral authority will faithfully, promptly, and truly account and pay over to all persons to or for whom it may sell, lease, or otherwise deal in cemetery property pre-need interment, at-need funeral services, or pre-need funeral services all sums of money that may properly be due them. In addition to any other remedy, every person sustaining any damage resulting from a breach of the conditions of the bond may sue the surety for the recovery of any damages sustained by such person. The liability of the surety shall not exceed \$50,000 or \$5,000 as the case may be, for each licensee. The bond shall be continuous in form and remain in full force and effect and shall run concurrently with the license period and for any renewals thereof, unless terminated or canceled by

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the surety. Termination or cancellation shall not be effective, unless notice thereof is delivered by the surety to the board at least sixty days prior to the date of termination or cancellation. The board shall forthwith give notice thereof to mortuary, cemetery, or pre-need funeral authority affected by the termination or cancellation, which notice shall be by registered or certified mail, with request for return receipt, and shall be addressed to the licensees at the addresses shown on the records of the board. The license of any licensee shall be suspended upon termination or cancellation of the bond, unless prior thereto, a new bond has been filed with the board. The form of the bond shall be approved by the board."

SECTION 8. Section 441-23, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 441-23 Revocation, suspension, and renewal of authority licenses.** The cemetery and mortuary board may revoke any authority license, or suspend the right of the licensee to use the license, or refuse to renew any such license for any of the following causes:

- (1) Any dishonest or fraudulent act as a mortuary, cemetery, or pre-need funeral authority which causes substantial damage to another;
- (2) Making repeated misrepresentations or false promises through advertising or otherwise;
- (3) Wilful violation of this chapter or the rules and regulations promulgated pursuant thereto;
- (4) Commingling the money or other property of others with his own;
- (5) Adjudicated insane or incompetent;
- (6) Selling or offering to sell any cemetery property, pre-need interment, funeral services, or pre-need funeral services based on speculation or promises of profit from resale.

No license shall be suspended for longer than two years and no person whose license has been revoked shall be eligible to apply for a new license until the expiration of two years."

SECTION 9. Section 441-24, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 441-24 Inspection of cemetery or pre-need funeral authority books; annual exhibits.** The books, records, and papers of every cemetery authority whether or not a corporation, which operates or claims to operate a perpetual care cemetery, and of every pre-need funeral authority shall be subject to examination by the cemetery and mortuary board to the same extent and in the same manner as may be from time to time provided for corporations in section 416-95, and every cemetery authority shall submit such annual exhibits as may be required by the board in order to furnish information as to whether or not the cemetery or pre-need funeral authority has complied with this chapter."

SECTION 10. Section 441-25, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 441-25 License required to act as cemetery or pre-need funeral salesman.** No person shall sell, offer to sell, exchange, lease, advertise, or otherwise dispose of any interest in cemetery property, pre-need interment, or pre-need funeral services without an appropriate license previously issued by the cemetery and mortuary board in compliance with this chapter and the rules and regulations of the board, provided that this requirement shall not apply to:

- (1) A person acting with reference to an occasional sale of his own property or the property of another when acting under a duly executed power of attorney;
- (2) Any person acting as a receiver, trustee in bankruptcy, administrator or executor, trustee acting under a trust agreement, deed of trust or will, or otherwise acting under any order of authorization of any court.

Chapter 467, relating to real estate brokers and salesmen, shall not be applicable to cemetery salesmen.”

SECTION 11. Section 441-27, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 441-27 Bond.** Each salesman licensed hereunder shall file and maintain with the cemetery and mortuary board a bond in the penal sum of \$5,000 issued by a surety company authorized to do business in the State, and running to the State. The bond shall be conditioned that the salesman will faithfully, promptly, and truly account and pay over to all persons to or for whom he may sell, lease or otherwise deal in cemetery property, pre-need interment or pre-need funeral services all sums of money that may properly be due them. In addition to any other remedy, every person sustaining any damage resulting from a breach of the conditions of the bond may sue the surety for the recovery of any damages sustained by the person. The liability of the surety shall not exceed \$5,000 for each licensee. The bond shall be continuous in form and remain in full force and effect and shall run concurrently with the license period and for any renewals thereof, unless terminated or cancelled by the surety. Termination or cancellation shall not be effective, unless notice thereof is delivered by the surety to the board at least sixty days prior to the date of termination or cancellation. The board shall forthwith give notice thereof to the salesman affected by the termination or cancellation, which notice shall be by registered or certified mail, with request for return receipt, and shall be addressed to the licensees at the addresses shown on the records of the board. The license of any licensee shall be suspended upon termination or cancellation of the bond, unless prior thereto, a new bond has been filed with the board. The form of the bond shall be approved by the board.”

SECTION 12. Section 441-28, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 441-28 Revocation, suspension and renewal of salesman licenses.** The cemetery and mortuary board may revoke any salesman license, or suspend the right of the licensee to use the license, or refuse to renew the license, for any of the following causes:

- (1) Making any misrepresentation concerning any cemetery property, pre-need interment or pre-need funeral services transaction;
- (2) Making any false promises concerning any cemetery property, pre-need interment or pre-need funeral services transaction of a character likely to mislead another;
- (3) Making repeated misrepresentations or false promises through advertising or otherwise;
- (4) When a salesman acts or attempts to act or represents, or attempts to represent an authority other than his employer;
- (5) Failing, within reasonable time to account for any moneys belonging to others which may be in the possession or under the control of the licensee;
- (6) Any other conduct constituting fraudulent or dishonest dealings;
- (7) When a salesman fails to file with the board a written statement setting forth the name of the authority by whom he is employed;
- (8) Violation of this chapter or the rules and regulations promulgated pursuant thereto;
- (9) Commingling the money or other property of others with his own;
- (10) Adjudicated insane or incompetent;
- (11) When a salesman sells or offers to sell any cemetery property, pre-need interment or pre-need funeral services based on speculation or promises of profit from resale.

No license shall be suspended for longer than two years and no person whose license has been revoked shall be eligible to apply for a new license until the expiration of two years.”

SECTION 13. Section 441-29, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 441-29 Application fees.** Every applicant for any license under this chapter shall file an application with the cemetery and mortuary board in such form and setting forth such information as may be prescribed or required by the board and shall furnish such additional information bearing upon the issuance of the license as it requires. Every application shall be sworn to before an officer authorized to administer oaths.

Every application shall be accompanied by an application fee of \$10.”

SECTION 14. Section 441-30, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 441-30 Form of licenses.** The form of every license shall be prescribed by the cemetery and mortuary board, and shall be issued in the name of the board, and signed by the chairman thereof.”

SECTION 15. Section 441-31, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The fee for a mortuary, cemetery, or pre-need funeral authority license, annual renewal thereof, and reinstatement of a suspended license, except as otherwise provided in section 441-22.1 shall be \$200.

The annual renewal fee shall be paid to the cemetery and mortuary

board on or before January 1 of each year. Failure, neglect, or refusal of any duly licensed mortuary, cemetery, or pre-need funeral authority to pay the annual renewal fee shall constitute a forfeiture of his license. Any such license may be restored upon written application therefor within one year of such date and the payment of a required fee plus an amount equal to ten per cent thereof."

SECTION 16. Section 441-43, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 441-43 Inspection, regulation, and supervision of administrator.** Any administrator of a perpetual care fund, other than a trust company, shall be subject to inspection, supervision, and regulation by the cemetery and mortuary board to the same extent and in the same manner as may be from time to time provided by law for the inspection, supervision, and regulation of trust companies doing business in the State."

SECTION 17. Section 441-44, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 441-44 Administrator's account; enforcement by attorney general.** The administrator shall annually file with the cemetery and mortuary board an account which shall be made in such form as shall be prescribed by the board. The board shall notify the attorney general of any failure on the part of the administrator to comply with sections 441-39 to 441-44, or of the instrument creating the fund, and the attorney general may take such action as he deems appropriate."

SECTION 18. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 19. This Act shall take effect on July 1, 1975.

(Approved May 1, 1975.)

## ACT 22

S.B. NO. 330

A Bill for an Act Relating to Statewide Traffic Code.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 291C, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read:

**"Sec. 291C- Slow moving vehicle emblem required; penalty.** (a) Any vehicle, or combination of vehicles, designed to operate at a speed of twenty-five miles per hour or less, and traveling on a public highway, shall, except when guarded by a flagman or a flare, or unless provided by ordinance, display a triangular slow moving vehicle emblem meeting ASAE Standard

\*Edited accordingly.

S276.2 as developed by the American Society of Agricultural Engineers, mounted on the rear of the vehicle, or combination of vehicles, base down and at a height of not less than three nor more than five feet from the ground to base.

(b) The use of the emblem on any vehicle, other than a vehicle designed to operate at a speed of twenty-five miles per hour or less, or on a stationary object on a public highway is prohibited.

(c) Any person who violates this section shall be fined not more than \$500, or imprisoned not more than six months, or both."

SECTION 2. Section 291C-95, Hawaii Revised Statutes, is amended to read:

**"Sec. 291C-95 Overtaking and passing school bus.** (a) Whenever a school bus is stopped on a highway with its visual signals as described in subsection (f) of this section actuated, the driver of any motor vehicle on the same highway shall stop his vehicle before reaching the school bus and shall not proceed until the school bus resumes motion or the visual signals are turned off.

(b) Subsection (a) shall not apply to a vehicle when the school bus and the vehicle are on different roadways.

(c) The driver of the school bus shall actuate the visual signals described in subsection (f) only when the school bus is stopped for the purpose of receiving or discharging school children:

(1) On a highway outside of a business or residence district; and

(2) At any other location where the use of such visual signals is required by county ordinance.

(d) The front and rear of every school bus shall be marked with the words "SCHOOL BUS" in plainly visible letters not less than eight inches in height and strokes not less than three-fourths of an inch in width.

(e) When a school bus is being operated upon a highway for purposes other than as an incident to the transportation of children, all marking thereon indicating "SCHOOL BUS" shall be covered or concealed.

(f) The visual signals required under subsection (c) to be actuated shall consist of four red signal lamps meeting the following requirements:

(1) Two lamps shall face forward and two shall face the rear;

(2) The two forward lamps shall flash alternately and shall be mounted at the same level, but as high and as widely spaced as practical;

(3) The two rear lamps shall flash alternately and shall be mounted at the same level but as high and as widely spaced as practical;

(4) Each of the lamps shall be of sufficient intensity as to be plainly visible at a distance of five hundred feet in normal sunlight and shall be capable of being actuated from the driver's seat by a single switch."

SECTION 3. Section 291C-38, Hawaii Revised Statutes, is amended by amending subsection (c) to read:

"(c) Longitudinal traffic lane markings shall have the following applications:

- (1) A broken white line is used to indicate the edge of the traffic lane where travel is permitted in the same direction on both sides of the line and may be crossed by vehicular traffic when the crossing can be made with safety.
- (2) A broken yellow line is used to indicate the left edge of a traffic lane where traffic on the other side of the line moves in the opposite direction and may be crossed by vehicular traffic only when overtaking or passing a vehicle proceeding in the same direction or when executing a left turn and then only if the movement can be made with safety and does not interfere with traffic moving in the opposite direction.
- (3) A solid white line is used to indicate the edge of the traffic lane where travel in the same direction is permitted on both sides of the line but where movement from lane to lane is considered to be hazardous. A solid white line may be crossed only in unusual circumstances and then only with great care. A doublewidth solid white line is used to emphasize a greater degree of hazard.
- (4) A solid white line is also used to indicate the right edge of the pavement.
- (5) A double solid white line is used to indicate the edges of traffic lanes where travel in the same direction is permitted on both sides of the double line but where movement from lane to lane is considered to be dangerous. The crossing of a double solid white line by vehicular traffic is prohibited.
- (6) A solid yellow line is used to indicate the left edge of a traffic lane where overtaking and passing on the left is prohibited. The crossing of a solid yellow line by vehicular traffic is prohibited except when the crossing is part of a left turn movement.
- (7) A solid yellow line is also used to indicate the left edge of each roadway of a divided street or highway.
- (8) A double solid yellow line is used to indicate the separation between lanes of traffic moving in opposite directions. The crossing of a double solid yellow line by vehicular traffic is prohibited except when the crossing is part of a left turn movement.
- (9) A double line consisting of a broken yellow line and a solid yellow line is used to indicate a separation between lanes of traffic moving in opposite directions and vehicular traffic adjacent to the broken line is permitted to overtake or pass if the movement can be made with safety and does not interfere with traffic moving in the opposite direction. The crossing of this double line by vehicular traffic adjacent to the solid line is prohibited except when the crossing is part of a left turn movement.
- (10) A double broken yellow line is used to indicate the edge of a reversible traffic lane where the direction of the vehicular traffic may be changed from time to time.
- (11) A dotted line is used to indicate the extension of a line through an intersection or interchange. It shall be the same color as the line it extends. The crossing of a dotted line by vehicular traffic is subject to

the same prohibitions and exceptions as are applicable to the line it extends.”

SECTION 4.† Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.\*

SECTION 5.† This Act shall take effect upon its approval.

(Approved May 1, 1975.)

ACT 23

S.B. NO. 332

A Bill for an Act Relating to Exterior Markings on Vehicles Used in Carrying Hazardous Materials.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 286, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read:

“**Sec. 286- Exterior markings on vehicles.** (a) No vehicle, except a tank vehicle, shall be operated or used in the State if it contains, carries or is loaded with any hazardous material of the classes of Hazardous Materials set forth in Column A of item (1), in excess of the Maximum Exempt Quantity set forth opposite that class in Column B of item (1), unless there is displayed on each such vehicle a marking or markings in conformity with the Type of Marking set forth opposite that class in Column C of item (1) and the requirements of items (2) to (5).

(1) Column A	Column B	Column C
Classes of Hazardous Materials	Maximum Exempt Quantity	Type of Marking
Explosives, Class A or a combination of Explosives, Class A and Explosives, Class B	No exemption	EXPLOSIVES A (red letters on white background)
Explosives, Class B	No exemption	EXPLOSIVES B (red letters on white background)
Poison, Class A	No exemption	POISON (blue letters on white background)
Poison, Class B	999 lb. gross weight	POISON (blue letters on white background)

\*Edited accordingly.

†Section numbers “4” and “5” substituted for “3” and “4” to correct clerical error.



Flammable Liquid	999 lb. gross weight	FLAMMABLE (red letters on white background)
Flammable Solid	999 lb. gross weight	FLAMMABLE (red letters on white background)
Oxidizing Material	999 lb. gross weight	OXIDIZERS (yellow letters on black background)
Nonflammable Compressed Gas	999 lb. gross weight	COMPRESSED GAS (green letters on white background)
Corrosive Liquid	999 lb. gross weight	CORROSIVES (blue letters on white background)
Flammable Compressed Gas	999 lb. gross weight	FLAMMABLE GAS (red letters on white background)
Radioactive Yellow III (Title 49, Code of Fed. Regs., §173.414(d))	No exemption	RADIOACTIVE (black letters on yellow background)
Mixed Ladings (item 4)	See item (4)	DANGEROUS (red letters on white background)

- (2) The markings specified in Column C of item (1) shall consist of letters not less than four inches high, in the color specified, using a stroke of approximately five-eighths inch. The background coloring specified in Column C of item (1) and in subsections (b) and (c) shall extend at least one inch above and below the lettering. The marking may either be applied directly to the vehicle or inscribed upon a placard which shall be securely affixed to an area on the vehicle which has no other marking, lettering, or graphic display within three inches of the marking except such markings as may be required by item (4) or subsections (b) or (c).
- (3) The markings shall be displayed at the front, rear and on each side of the vehicle in which the hazardous material is contained. The front marking may be displayed on the front of the truck, truck body, truck tractor or the trailer but shall be located where it is plainly visible.
- (4) Whenever more than one class of hazardous material listed in Column A of item (1) is contained, carried or loaded on any vehicle for each of which no marking is required unless the gross weight exceeds 999 pounds, if the aggregate gross weight of the combination of hazardous materials exceeds 999 pounds the marking "DANGEROUS" shall be displayed; provided that if one of the classes of hazardous

materials is Explosives, Class A; Explosives, Class B; Poison, Class A; or Radioactive Material requiring labeling under Title 49, Code of Federal Regulations, Section 173.416(c), the marking "EXPLOSIVES A," "EXPLOSIVES B," "POISON" or "RADIOACTIVE" as appropriate, shall be displayed in addition to the marking "DANGEROUS"; and provided further that if Explosives, Class A and Explosives, Class B are contained, carried or loaded on the same vehicle the marking "EXPLOSIVES B" need not be displayed.

- (5) In any combination of two or more vehicles, each containing one or more of the classes of hazardous materials listed in item (1), each vehicle shall be marked as to its contents in accordance with items (1) to (4).

(b) Except as provided in provisos (1) to (5) every tank vehicle used for the transportation of any of the classes of hazardous materials listed in subsection (a) (1) shall be marked in accordance with subsection (a) regardless of the quantity of the hazardous material therein contained, carried or loaded and even if empty; provided that:

- (1) If the tank contains no hazardous material but only a commodity or commodities which are not classed as hazardous materials, the marking required by this section shall not be displayed;
- (2) If the tank vehicle contains, carries or is loaded with gasoline, the vehicle may be marked "GASOLINE" instead of "FLAMMABLE" in lettering and background of the same coloring and dimensions as for the marking "FLAMMABLE";
- (3) If a tank vehicle contains, carries or is loaded with flammable compressed gas, it shall be marked with the common name of the contents in red letters not less than two inches high, using a stroke of approximately one-fourth inch, on a white background, in addition to the marking requirements of subsection (a);
- (4) If a tank vehicle contains, carries or is loaded with nonflammable compressed gas, it shall be marked with the common name of the contents in green letters not less than two inches high using a stroke of approximately one-fourth inch, on a white background, in addition to the marking requirements of subsection (a);
- (5) If a cargo tank is manufactured to meet Specifications MC 330 and MC 331 issued by the United States Department of Transportation it shall, in addition to other applicable requirements of this section, be durably marked in letters not less than two inches high in the area immediately adjacent to the identification plate with the inscription "QT" if it is constructed of quenched and tempered steel or "NOT" if it is constructed with other than quenched and tempered steel.

(c) In addition to displaying the markings required by subsections (a) and (b), each vehicle containing, carrying or loaded with a hazardous material that is incompatible with water, shall display the marking "CARGO FIRE—AVOID WATER" or words of similar import denoting that water should not be used in an attempt to extinguish a fire involving the cargo. The marking shall consist of black letters not less than two inches high, using a stroke of ap-

proximately one-fourth inch, on a white background. The marking shall be displayed immediately adjacent to all markings on the vehicle required by this section.

(d) Except as otherwise provided for tank vehicles any marking required by this section shall be removed or covered when the vehicle does not contain or carry or is not loaded with the hazardous material for which the marking is required.

(e) For the purposes of this section the following terms shall have the following meanings unless the context shall clearly indicate otherwise:

"Hazardous material" means any article (1) classed in the List of Hazardous Materials, 49 Code of Federal Regulations, Section 172.5 as Explosives, Class A; Explosives, Class B; Poison, Class A; Poison, Class B; Flammable Liquid; Flammable Solid; Oxidizing Material; Nonflammable Compressed Gas; Corrosive Liquid or Flammable Compressed Gas; (2) for which the label "RadioActive Yellow-III" is required by Title 29, Code of Federal Regulations, Section 173.414(d) and (3) any other article which the State highway safety coordinator may by rule, adopted pursuant to chapter 91, declare to be a hazardous material.

"Tank vehicle" means every vehicle constructed with a permanently attached container designed to hold bulk liquids, fluids or gases.

(f) Any person who violates this section shall be imprisoned not more than thirty days or fined not more than \$100, or both."

SECTION 2. New material is underscored. In printing this Act, the revisor of statutes need not include the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 1, 1975.)

## ACT 24

S.B. NO. 443

A Bill for an Act Relating to Penal Provisions Outside the Penal Code; Making Technical and Substantive Amendments to Said Provisions in Light of the Penal Code and Certain Other General Laws.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. In this Act, unless otherwise stated, all chapter and section references are to the Hawaii Revised Statutes, including chapter and section designations assigned by the revisor of statutes in the publication of the Cumulative Supplement to the Hawaii Revised Statutes.

SECTION 2. Section 64-77 is repealed.

SECTION 3. Section 134-1 is amended to read:

"Sec. 134-1 Definitions. As used in this chapter:

"Firearm" means any weapon, the operating force of which is an explosive. This definition includes pistols, revolvers, rifles, shotguns, machine guns,

\*Edited accordingly.

automatic rifles, noxious gas projectors, mortars, bombs, cannon, and sub-machine guns. The specific mention of certain weapons does not exclude from the definition other weapons operated by explosives.

"Pistol" or "revolver" means any firearms of any shape whatsoever with barrel less than twelve inches in length and capable of discharging loaded ammunition or any noxious gas."

SECTION 4. Section 134-7 is amended to read:

**"Sec. 134-7 Ownership or possession by fugitive from justice or by person convicted of certain crimes prohibited; penalty.** (a) No person who is a fugitive from justice shall own or have in his possession or under his control any firearm or ammunition therefor. As used in this section the term "fugitive from justice" means any person who has fled from any state, territory, the District of Columbia, or possession of the United States to avoid prosecution for a felony or to avoid giving testimony in any criminal proceeding.

(b) No person who has been convicted in this State or elsewhere, of having committed a felony, or of the illegal use, possession, or sale of any drug, shall own, or have in his possession, or under his control any firearm or ammunition therefor.

(c) Any person violating this section shall be guilty of a class C felony."

SECTION 5. Section 184-5 is amended to read:

**"Sec. 184-5 Rules and enforcement; penalty.** The department may, subject to chapter 91, make, amend and repeal rules and regulations having the force and effect of law, governing the use and protection of the state park system, including state monuments as established under section 6-12, and including any private property over which there has been granted to the State any right of free public access or use for recreational, park, viewing of any historical, archaeological, natural or scientific feature, object or site, or related purpose, or property thereon, and also governing the use and protection of any recreational, scenic, historical, archaeological, natural, scientific and related resources of state and private lands, and enforce such rules and regulations. Any person who violates any of the rules and regulations so prescribed shall be held liable for restoration of or restitution for any damages to public or private property and shall also be subject to the confiscation of any tools and equipment used in such violation and of any plants, objects or artifacts removed illegally from such properties, and shall be guilty of a petty misdemeanor. Except as otherwise provided by the department, the more restrictive rules and regulations of the department shall apply in any unit of the state park system or any public use area which is also governed by the rules and regulations of any forest reserve, public hunting ground or other department district or area.

The department may confer on the director of state parks and upon other employees of the division the powers of police officers, including the power to serve and execute warrants and arrest offenders in all matters relating to the enforcement, in any state park, parkway or state monument, or in any private property over which there has been granted to the State any right of free public access or use for recreational, park, viewing of any historical,

archaeological, natural or scientific feature, object or site, or related purpose of (1) the laws applicable to the state parks and parkways and to historical objects and sites and the rules and regulations adopted under the provisions of this section and (2) traffic laws and ordinances. Such police powers shall also extend to the enforcement of the laws of the State and the rules and regulations of the department relative to the protection and proper utilization of the recreational, scenic, historical, natural, and archaeological, scientific and related resources of state and private lands. Such conferring of powers shall include the designation of such employees as state parks enforcement officers.”

SECTION 6. Section 184-5.3 is amended to read:

“**Sec. 184-5.3 Failure to obey summons.** Any person who fails to appear at the place and within the time specified in the summons or citation issued to him by the state park enforcement officer upon his arrest for violation of the state parks, historical objects and sites; and outdoor recreation laws and regulations, traffic laws and ordinances; and the laws of the State and the rules and regulations of the department relative to the protection and proper utilization of the recreational, scenic, historical, natural and archaeological, scientific and related resources of state lands and lands within the conservation district, shall be guilty of a petty misdemeanor.

If any person fails to comply with a summons or citation issued to him, or if any person fails or refuses to deposit bail as required and within the time permitted, the officer shall cause a complaint to be entered against the person and secure the issuance of a warrant for his arrest.”

SECTION 7. Section 286-109 is amended to read:

“**Sec. 286-109 General provision governing the issuance of licenses to operators and chauffeurs.** Upon payment of the required fee and upon demonstrating his ability to operate a certain category or categories of motor vehicles to the satisfaction of the examiner of drivers, an applicant for a driver’s license shall be issued a single license of a design approved by the highway safety coordinator upon which is made a notation of the category or categories of motor vehicles he may operate and any restrictive provisions to which the license is subject.

Statutes of limitations and other provisions of this chapter notwithstanding, no driver’s license or instruction permit shall be issued or renewed under any of the provisions hereof, where the examiner of drivers is notified by the district judge, traffic violations bureaus of the district courts, or the judge of the circuit court that the applicant has failed to respond to a traffic citation or summons for the violation of any traffic laws of the State or county or of this chapter and the same remains delinquent and outstanding.”

SECTION 8. Section 296-48 is repealed.

SECTION 9. Section 324-24 is amended to read:

“**Sec. 324-24 Penalty.** Any person violating this part shall be guilty of a violation.”

SECTION 10. Section 466-11(b) is amended to read:

“(b) Criminal penalties. Any person who violates any provision of section 466-10 shall be guilty of a misdemeanor. Whenever the board has reason to believe that any person is liable to punishment under this section it may certify the facts underlying such belief to the county attorney or prosecuting attorney of the county in which the violation occurred who shall cause appropriate proceedings to be brought.”

SECTION 11. Section 468E-16 is amended to read:

“**Sec. 468E-16 Penalties.** Any person who violates any provision of this chapter or any rule or regulation promulgated thereunder shall be guilty of a petty misdemeanor, the fine for which shall be not more than \$1,000.”

SECTION 12. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 13. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 14. This Act shall take effect upon its approval.

(Approved May 1, 1975.)

ACT 25

S.B. NO. 534

A Bill for an Act Relating to Salary Withheld for Indebtedness to the Government.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 78-12, Hawaii Revised Statutes, is amended to read:

“**Sec. 78-12 Salary withheld for indebtedness to the government.** In case any officer, agent, employee or other person in the service of the State, any county, or any independent board or commission, is indebted to the State, any county, or to any independent board or commission, and such indebtedness has been determined by a hearing pursuant to chapter 91, upon demand of the officer charged with the duty of collecting the indebtedness, the comptroller or other officer charged with the duty of paying the officer, agent, employee, or other person, after notice to him, shall withhold one-quarter of the salary, wages, or compensation due him and pay the same, from time to time as the same shall become due, to the officer charged with the duty of collecting the indebtedness, until the full amount of the indebtedness, together with penalties and interest thereon, is paid. If the indebtedness has arisen or been incurred by reason of the officer, agent, employee, or other person having embezzled, stolen, or otherwise unlawfully acquired any moneys or other property of the State, any county, or any independent board or commission,

\*Edited accordingly.

the whole amount of the salary, wages, or compensation, or so much thereof as may be required to pay the indebtedness in full, shall be withheld and paid over to the officer charged with the duty of collecting the indebtedness.

The officer, agent, employee or other person in the service of the State, any county, or any independent board or commission alleged to be indebted to the State, any county, or to any independent board or commission may waive his right to a hearing to determine the indebtedness and instead assign by contract to the officer charged with the duty of collecting debts (1) the priority right to payment of the total amount of the alleged indebtedness, and (2) the right of such officer to deduct from each and every periodic payment normally due the assignor an amount equal to the maximum legally permissible amount deductible under garnishment law until such time that the total amount owing is paid in full.

The operation of all garnishment process served upon the comptroller or other paying officer shall be stayed until the indebtedness has been fully paid."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 1, 1975.)

## ACT 26

S.B. NO. 1049

A Bill for an Act Relating to Drug Abuse.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 329-16, Hawaii Revised Statutes, is amended to read:

"**Sec. 329-16 Schedule II.** (a) The controlled substances listed in this section are included in Schedule II.

(b) Any of the following substances, except those narcotic drugs listed in other schedules, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:

- (1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate.
- (2) Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (1), but not including the isoquinoline alkaloids of opium.

\*Edited accordingly.

- (3) Opium poppy and poppy straw.
- (4) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions which do not contain cocaine or ecgonine.
- (c) Any of the following opiates, including their isomers, esters, ethers, salts and salts of isomers, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation:
  - (1) Alphaprodine;
  - (2) Anileridine;
  - (3) Apomorphine;
  - (4) Bezitramide;
  - (5) Dihydrocodeine;
  - (6) Diphenoxylate;
  - (7) Fentanyl;
  - (8) Isomethadone;
  - (9) Levomethorphan;
  - (10) Levorphanol;
  - (11) Metazocine;
  - (12) Methadone;
  - (13) Methadone—Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane;
  - (14) Moramide—Intermediate, 2-methyl-3-morpholino-1, 1-diphenyl-propane—carboxylic acid;
  - (15) Pethidine;
  - (16) Pethidine—Intermediate—A, 4-cyano-1-methyl-4-phenylpiperidine;
  - (17) Pethidine—Intermediate—B, ethyl-4-phenylpiperidine, 4-carboxylate;
  - (18) Pethidine—Intermediate—C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
  - (19) Phenazocine;
  - (20) Piminodine;
  - (21) Racemethorphan;
  - (22) Racemorphan.
- (d) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system: (1) methaqualone; (2) secobarbital; (3) hexobarbital; (4) pentobarbital; (5) amobarbital.
- (e) Stimulants. Any material, compound, mixture or preparation which contains any quantity of the following substances having a danger or probable danger associated with a stimulant effect on the central nervous system:
  - (1) Amphetamine, its salts, optical isomers, and salts of its optical isomers;
  - (2) Any substance which contains any quantity of methamphetamine, including its salts, isomers, and salts of isomers;



(f) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a degree of danger or probable danger associated with a stimulant effect on the central nervous system:

- (1) Phenmetrazine and its salts;
- (2) Methylphenidate.

SECTION 2. Section 329-18, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 329-18 Schedule III.** (a) The controlled substances listed in this section are included in Schedule III.

(b) Unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a degree of danger or probable danger associated with a depressant effect on the central nervous system:

- (1) Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid, except those substances which are specifically listed in other schedules;
  - (2) Benzphetamine;
  - (3) Chlorhexadol;
  - (4) Chlorphentermine;
  - (5) Clortermine;
  - (6) Glutethimide;
  - (7) Lysergic acid;
  - (8) Lysergic acid amide;
  - (9) Mazindol;
  - (10) Methyprylon;
  - (11) Phencyclidine;
  - (12) Phendimetrazine;
  - (13) Phentermine;
  - (14) Sulfondiethylmethane;
  - (15) Sulfonethylmethane;
  - (16) Sulfonmethane.
- (c) Nalorphine.

(d) Any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof:

- (1) Not more than 1.8 grams of codeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;
- (2) Not more than 1.8 grams of codeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;
- (3) Not more than 300 milligrams of dihydrocodeinone, or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;
- (4) Not more than 300 milligrams of dihydrocodeinone, or any of its

salts per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

- (5) Not more than 1.8 grams of dihydrocodeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;
- (6) Not more than 300 milligrams of ethylmorphine, or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more ingredients in recognized therapeutic amounts;
- (7) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts;
- (8) Not more than 50 milligrams of morphine, or any of its salts, per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(e) The department may except by rule any compound, mixture, or preparation containing any stimulant or depressant substance listed in subsections (b) and (c) from the application of all or any part of this chapter if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a stimulant or depressant effect on the central nervous system."

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 4. This Act shall take effect upon its approval.

(Approved May 1, 1975.)

ACT 27

S.B. NO. 1332

A Bill for an Act Relating to Conservation.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. **Findings and purpose.** The legislature finds that the natural fishponds of the State are a precious environmental, economic and social resource worthy of systematic protection. While many fishponds are owned by the State, and protected by rules of the board of land and natural resources, a large number of fishponds are owned by persons, who pay real

\*Edited accordingly.

property taxes upon such submerged areas as would be assessed upon property above sea level.

The legislature finds that many fishponds have been filled, and that the further loss of these resources must be prevented. Owners who wish to maintain the fishponds in their natural state must be permitted to perform periodic repairs, which are in some cases extensive due to the age of the fishpond walls and the susceptibility of the walls to damage by natural forces. But past expressions of concern by the legislature have created an unwieldy bureaucracy which fishpond owners must face to obtain permission to make repairs: aspects of repairs are under the jurisdiction of the board of land and natural resources, when the fishpond is located in a conservation district and the land use commission and the county planning agency, when the fishpond is located within a shoreline setback area. An environmental impact statement may also be required. Obtaining permission to make necessary repairs may involve months of reporting and negotiation, and emergency repairs necessary to safeguard the fishpond from natural damages are virtually impossible.

The same situation of bureaucracy and endless red tape faces persons engaging in aquaculture, an industry which is, according to prior enactment of the legislature, to be enhanced and encouraged as a matter of state policy.

The purpose of this Act is to clarify the regulatory responsibilities of state and county agencies in regard to maintenance, repair, and improvement of fishponds and aquaculture areas, and to ensure that proper environmental safeguards are coupled with conditions encouraging retention of fishponds and aquaculture areas.

SECTION 2. The Hawaii Revised Statutes is amended by adding two new sections to be appropriately designated and to read:

**"Sec. - Fishponds; rules.** (a) The board of land and natural resources shall adopt rules concerning the application and issuance of permits for the repair and maintenance of fishponds pursuant to section 183-41. The rules shall specify the extent:

- (1) Of repairs and maintenance for which no permit is necessary, but for which the owner shall be required to notify the board in writing of his intent to perform them which notification shall be submitted not less than ten days before performing the repairs or maintenance, and for which receipt and lack of action by the board within the ten-day notice period shall constitute approval;
  - (2) Of repairs and maintenance for which a permit shall be required which shall be requested in writing by the owner; and
- (b) For the purposes of this section:
- (1) "Emergency repairs" means that work necessary to repair damages to fishponds arising from natural forces or events of human creation not due to the wilful neglect of the owner, of such a character that the efficiency, esthetic character or health of the fishpond, neighboring activities of persons, or existing flora or fauna will be endangered in the absence of correction of existing conditions by repair or maintenance.

- (2) "Repairs and maintenance" of fishponds means any work performed relative to the walls, floor, or other traditional natural feature of the fishpond and its appurtenances, the purposes of which are to maintain the fishpond in its natural state and safeguard it from damage from environmental and natural forces.

Repairs and maintenance and emergency repair of fishponds shall not be construed as actions "proposing any use" within the context of section 343-4.

**Sec. - Aquaculture farms; rules.** (a) The board of land and natural resources shall adopt rules for review of applications, and issuance of permits for aquaculture farms, pursuant to section 183-41. The rules shall specify permitted uses; provided that all uses endorsed by the board of agriculture pursuant to chapter 219 shall be permitted uses; uses for which an environmental impact statement shall be necessary, pursuant to chapter 343, as well as those actions of repair and maintenance which shall not be subject to the permit and environmental impact statement provisions, including but not limited to emergency repairs.

(b) For the purposes of this section, "aquaculture" means all activities as defined in section 219-2, when carried out by a qualified aquaculturist as defined by section 219-2."

SECTION 3. Chapter 205, Hawaii Revised Statutes, is amended by amending section 205-36 to read:

**"Sec. 205-36 Exemptions.** Tunnels, canals, basins, and ditches, together with associated structures used by public utilities as the term is defined in section 269-1, wharves, docks, piers, and other harbor and water front improvements and any other maritime facility and water sport recreational facilities may be permitted within the shoreline area; provided that the plans therefor are submitted for review and are approved by the agency after a public hearing has been held and that the appropriate state body has found that the proposed structures will result only in a minimum interference with natural shoreline processes; provided further that any such structure constructed by a governmental body shall be exempt from the provisions of this part except as to the requirement that two public hearings shall be held by the governmental body charged with such construction, once when the project is first conceived and again when the project is substantially designed and planned, but prior to the letting of the contract. Repair and maintenance of fishponds, and improvements for aquaculture farms shall be exempt from this chapter, upon issuance of a permit or waiver of the requirements for same by the board of land and natural resources."

SECTION 4. New statutory material is underscored. In printing this Act, the revisor of statutes need not include the underscoring.\*

SECTION 5. This Act shall take effect upon its approval.

(Approved May 1, 1975.)

\*Edited accordingly.

## ACT 28

S.B. NO. 1618

A Bill for an Act Relating to Licenses of Passenger Carrying Vehicles.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 445-223, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 445-223 Certificate; revocation of license.** All passenger carrying vehicles shall comply with the motor vehicle safety inspection requirements of the Hawaii Revised Statutes and shall be certified by the treasurer prior to the issuance of a business license.

The chief executive officer and the police department of the county or their duly authorized subordinate may inspect the vehicle for good, serviceable, and safe condition for safe transportation of passengers. Such officers or any inspector may temporarily suspend or revoke a license issued, when, upon any examination of the vehicle, it is found to be unserviceable or dangerous and unsafe for the transportation of passengers; provided that the treasurer of the county shall be given notice of the suspension or revocation.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 1, 1975.)

## ACT 29

H.B. NO. 1528

A Bill for an Act to Repeal Chapter 71, Hawaii Revised Statutes, Relating to Artesian Well Control.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 71, Hawaii Revised Statutes, is hereby repealed.

SECTION 2. This Act shall take effect upon its approval.

(Approved May 1, 1975.)

## ACT 30

S.B. NO. 182

A Bill for an Act Relating to Employment Discrimination Against the Handicapped.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 378-1, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

\*Edited accordingly.

“‘Physical handicap’ means a substantial physical impairment where such handicap is verified by medical findings and appears reasonably certain to continue throughout the lifetime of the individual without substantial improvement.”

SECTION 2. Section 378-2, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 378-2 Discriminatory practices made unlawful; offenses defined.** It shall be unlawful employment practice or unlawful discrimination:

- (1) For an employer to refuse to hire or employ or to bar or discharge from employment, any individual because of his race, sex, age, religion, color, ancestry, physical handicap, or arrest and court record which does not have a substantial relationship to the functions and responsibilities of the prospective or continued employment, provided that an employer may refuse to hire an individual for good cause relating to the ability of the individual to perform the work in question;
- (2) For an employer to discriminate against any individual in compensation or in the terms, conditions, or privileges of employment because of race, sex, age, religion, color, ancestry, physical handicap, or arrest and court record;
- (3) For any employer or employment agency to print, circulate, or cause to be printed or circulated any statement, advertisement, or publication or to use any form of application for employment or to make any inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, sex, age, religion, color, ancestry, physical handicap, or arrest and court record unless based on a bona fide occupational qualification;
- (4) For any labor organization to exclude or expel from its membership any person or to discriminate in any way against any of its members, employer, or employees because of race, sex, age, religion, color, ancestry, physical handicap, or arrest and court record;
- (5) For any employer, labor organization, or employment agency to discharge, expel, or otherwise discriminate against any person because he has opposed any practice forbidden by this part or because he has filed a complaint, testified, or assisted in any proceeding respecting the employment practices and discrimination prohibited under this part;
- (6) For any person whether an employer, employee, or not, to aid, abet, incite, compel, or coerce the doing of any of the practices forbidden by this part, or to attempt to do so;
- (7) For any employer or labor organization to refuse to enter into an apprenticeship agreement, as defined in section 372-2, because of the race, sex, age, religion, color, ancestry, or physical handicap of an apprentice; provided that no apprentice shall be less than sixteen years of age.”

SECTION 3. Section 378-9, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 378-9 Exceptions.** Nothing in this part shall be deemed to:

- (1) Repeal or affect any law or ordinance or government rule or regulation having the force and effect of law which prohibits, restricts, or controls the employment of minors;
- (2) Prohibit or prevent the establishment and maintenance of bona fide occupational qualifications;
- (3) Prohibit or prevent the termination of or change the employment of any person who is unable to perform his duties;
- (4) Affect the operation of the terms or conditions of any bona fide retirement, pension, employee benefit, or insurance plan;
- (5) Prohibit or prevent any religious or denominational institution or organization, or any organization operated for charitable or educational purposes, which is operated, supervised, or controlled by or in connection with a religious organization, from giving preference to persons of the same religion or denomination or from making such selection as is calculated by the organization to promote the religious principles for which it is established or maintained;
- (6) Conflict with or affect the application of security regulations in employment established by the United States or the State of Hawaii;
- (7) Require the employer to execute unreasonable structural changes or expensive equipment alterations to accommodate the employment of a handicapped person.”

SECTION 4. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 5. This Act shall take effect upon its approval.

(Approved May 3, 1975.)

ACT 31

S.B. NO. 228

A Bill for an Act Relating to the Exclusion of Hawaii Public Health Fund Benefits from Negotiation.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 89-9(d), Hawaii Revised Statutes, is amended to read:

“(d) Excluded from the subjects of negotiations are matters of classification and reclassification, the Hawaii public health fund, retirement benefits and the salary ranges and the number of incremental and longevity steps now provided by law, provided that the amount of wages to be paid in each

\*Edited accordingly.

range and step and the length of service necessary for the incremental and longevity steps shall be negotiable. The employer and the exclusive representative shall not agree to any proposal which would be inconsistent with merit principles or the principle of equal pay for equal work pursuant to sections 76-1, 76-2, 77-31 and 77-33, or which would interfere with the rights of a public employer to (1) direct employees; (2) determine qualification, standards for work, the nature and contents of examinations, hire, promote, transfer, assign, and retain employees in positions and suspend, demote, discharge, or take other disciplinary action against employees for proper cause; (3) relieve an employee from duties because of lack of work or other legitimate reason; (4) maintain efficiency of government operations; (5) determine methods, means, and personnel by which the employer's operations are to be conducted; and take such actions as may be necessary to carry out the missions of the employer in cases of emergencies."

SECTION 2. New statutory material is underscored. In printing this Act, the revisor of statutes need not include the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 3, 1975.)

ACT 32

S.B. NO. 977

A Bill for an Act Relating to Criminal Trespass.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 708-813 of the Hawaii Code, Title 37, Hawaii Revised Statutes, is amended to read as follows:

"**Sec. 708-813 Criminal trespass in the first degree.** (1) A person commits the offense of criminal trespass in the first degree if he knowingly enters or remains unlawfully in a dwelling or if he knowingly enters or remains unlawfully in or upon the premises of a hotel or apartment building.

(2) A person commits the offense of criminal trespass in the first degree if he knowingly enters or remains unlawfully in or upon premises which are fenced or enclosed in a manner designed to exclude intruders, and has in his possession at the time of such intrusion a firearm, as defined in section 134-1 of Hawaii Revised Statutes.

(3) Criminal trespass in the first degree is a misdemeanor."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the bracketed materials or the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 3, 1975.)

\*Edited accordingly.



## ACT 33

S.B. NO. 1139

A Bill for an Act Relating to the Residential Landlord-Tenant Code.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 521-43, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

“(a) A landlord or any person authorized to enter into a rental agreement on his behalf shall disclose to the tenant in writing at or before the commencement of the tenancy the name and address of:

- (1) Each person authorized to manage the premises; and
- (2) Each person who is an owner of the premises or who is authorized to act for or on behalf of the owner for the purpose of service of process and receiving and receipting for rents, notices, and demands.

The information required to be furnished shall be kept current and shall be enforceable against any successor landlord, owner, or manager.

(b) A person who fails to comply with subsection (a) becomes an agent of each person who is a landlord for:

- (1) Service of process and receiving and receipting for rents, notices, and demands; and
- (2) Performing the obligations of the landlord under this chapter and under the rental agreement and expending or making available for the purpose all rent collected from the premises.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 3, 1975.)

## ACT 34

S.B. NO. 1145

A Bill for an Act Relating to Reimbursement for Expenses.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 46, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read:

“**Sec. - Expenses.** Subject to procedures prescribed by the director of finance of the county and approved by the mayor, all officers and employees of each county shall be entitled to travel or other necessary expenses in the performance of their official duties as provided by ordinance.”

SECTION 2. Section 62-33, Hawaii Revised Statutes, is repealed.

\*Edited accordingly.

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes may exclude the brackets, bracketed material, and the underscoring.\*

SECTION 4. This Act shall take effect upon its approval.

(Approved May 3, 1975.)

## ACT 35

S.B. NO. 1192

A Bill for an Act Relating to General Obligation Bonds of the Counties.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 47-7 of the Hawaii Revised Statutes is amended as follows:

**“Sec. 47-7 Issuance, interest rate, denominations, maturities, places payable, registration, redemption, medium of payment, sale, or other disposal.** The director of finance of the county may, upon authorization of its governing body, issue from time to time and in accordance with the provisions of this chapter, bonds of the county authorized for issuance by the governing body thereof. All bonds issued under authority of this chapter: shall bear interest payable semi-annually at a rate or rates not exceeding eight percentum per annum, provided that in any county with a population in excess of 100,000 the rate or rates shall not exceed seven percentum per annum; if for a term exceeding one year, shall be in serial form maturing in substantially equal installments of principal, or maturing in substantial equal installments of both principal and interest, the first installment of principal to mature not later than five years from the date of issue of such series and the last installment not later than thirty-five years from the date of such issue; may be payable as to both principal and interest at places within and without the State; may be issued in coupon form without privilege of registration or registrable as to principal only or as to both principal and interest or in fully registrable form; may be made redeemable at any time or times prior to their stated maturities at prices not exceeding one hundred four per cent of the part value thereof; and shall be payable, as to both principal and interest, dollar for dollar in any coin or currency of the United States which at the time of payment is legal tender for public and private debts. Unless the governing body shall itself perform the actions, the director of finance of each county, from time to time and without further authorization of the governing body, shall determine the form, date, denominations, and maturities of the bonds theretofore authorized by the governing body to be issued under the authority of this chapter, the place or places within or without the State at which the principal and interest of the bonds or any of them shall be payable and at which the bonds may be registered, and the time or times, prices, and method of their redemption, and shall offer for sale and sell the whole or any part of any issue of the bonds. The

\*Edited accordingly.

bonds shall be sold for not less than their par value, and shall be sold by means of public advertisement for tenders, either with the interest rate to be borne by the bonds having theretofore been fixed by the governing body, in which event the bonds shall be sold to the bidder offering the highest price therefor or shall be offered for sale without a specified rate or rates of interest, to be sold to the bidder offering the lowest interest cost after allowing for any premium tendered, in which event the bonds shall, without further action of the governing body, bear interest at the rate or rates set forth in the best bid therefor; provided, the right may be reserved to reject any and all bids. The advertisement for tenders required by this section shall be published at least once and at least five days prior to the date of the sale in a newspaper circulating in the State and in financial newspaper or newspapers published in any of the cities of New York, Chicago, or San Francisco. Notwithstanding the foregoing provisions of this section as to public sale, any bonds authorized pursuant to this chapter may, with the approval of the governing body, be deposited by the director of finance with and pledged to, or be otherwise disposed of to any board, agency, or instrumentality of the State or of the United States government to secure the repayment of or an actual payment of, any loans or advances made or to be made, under the authority of an act or acts of the legislature of Hawaii or of the Congress of the United States authorizing the loans or advances by the board, agency, or instrumentality to the county for the construction in whole or in part of any public improvement, the cost of which or any part thereof, would be payable out of the proceeds of the bonds, if sold."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 3, 1975.)

ACT 36

S.B. NO. 1212

A Bill for an Act Relating to Elections.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 11, Hawaii Revised Statutes, is amended in the following respects:

(1) By amending section 11-13 to read:

"**Sec. 11-13 Rules for determining residency.** In determining residency in the State a wife may treat herself separate from her husband. The following rules shall determine residency for State and precinct purposes:

(1) The residence of a person is that place in which his habitation is fixed, and to which, whenever he is absent, he has the intention to return;

\*Edited accordingly.

- (2) A person does not gain residence in any precinct into which he comes without the present intention of establishing his permanent dwelling place within such precinct;
- (3) If a person resides with his family in one place, and does business in another, the former is his place of residence; but any person having a family, who establishes his dwelling place other than with his family, with the intention of remaining there shall be considered a resident where he has established such dwelling place;
- (4) The mere intention to acquire a new residence without physical presence at such place, does not establish residency, neither does mere physical presence without the concurrent present intention to establish such place as his residence. For the purposes of the election laws there can only be one residence;
- (5) A person does not gain or lose a residence solely by reason of his presence or absence while employed in the service of the United States or of this State, or while a student of an institution of learning, or while kept in an institution or asylum, or while confined in a prison;
- (6) No member of the armed forces of the United States, his spouse or his dependent is a resident of this State solely by reason of being stationed in the State;
- (7) A person loses his residence in this State if he votes in an election held in another state by absentee ballot or in person;
- (8) The term of residence is computed by including the day on which the person's residence commences and by excluding the day of election.
- (9) In case of question, final determination of residence shall be made by the clerk, subject to appeal to the board of registration under part III of this chapter.
- (3) By amending section 11-17 to read:

**“Sec. 11-17 Removal from register upon failure to vote; reregistration.** The clerk shall, not later than 4:30 p.m. on the sixtieth day after every general election, remove the name of any registered voter failing to vote at the election if such voter also failed to vote at the preceding primary election. For this purpose “to vote” shall mean the depositing of the ballot in the ballot box whether such ballot is blank or later rejected for any reason. In the case of voting machines “to vote” shall mean the voter has activated the proper mechanism and fed his vote into the machine. In the case of absentees “to vote” shall mean seasonably mailing the absentee ballot to the clerk whether or not such ballot was counted.

Any voter whose name has been removed from the register may at any time prior to the closing of the register, as provided in section 11-24, have his name restored in the register by presenting himself to the clerk and reregistering pursuant to section 11-15, or by making application by mail or otherwise pursuant to procedures established by the clerk. The clerk shall require satisfactory evidence to establish the identity of the applicant. The names of all such voters shall be reentered in the register.”

- (4) By amending section 11-111 to read:

**“Sec. 11-111 Official and specimen ballots.** Ballots issued by the chief election officer in state elections and by the clerk in county elections are official ballots. In elections using the paper ballot and electronic voting systems, the chief election officer or clerk in the case of county elections shall have printed sufficient copies of each ballot to be used at the various precincts so that at least one copy can be posted for each voting unit. These copies will have printed across their faces in large bold letters, and with ink of a color plainly contrasting to the color of the paper used, the word “Specimen”. In preparing specimen ballots for the electronic voting system, the chief election officer or clerk shall use material that will prevent the specimen from being counted by the ballot reading device. The copies of the specimen ballots shall be forwarded to the precinct officials with the official ballots. The precinct officials shall post the specimen ballots near the entrance to the polling place where they may be easily seen by the voters prior to voting.”

(5) By amending section 11-112 to read:

**“Sec. 11-112 Contents of ballot.** A ballot shall contain the names of the candidates, their party affiliation or nonpartisanship, the offices for which they are running, and the district in which the election is being held. The name of the candidate may be printed with the Hawaiian or English equivalent or nickname, if the candidate so requests in writing at the time his nomination papers are filed. Candidates’ names, including the Hawaiian or English equivalent or nickname, shall be set on one line.

In multirace districts the ballot shall state that the voter shall not vote for more than the number of seats available or the number of candidates listed where such number is less than the seats available.

A ballot shall bear no word, motto, device, sign, or symbol other than allowed in this title.”

(6) By amending section 11-119 to read:

**“Sec. 11-119 Printing; quantity.** The ballots shall be printed by order of the chief election officer or the clerk in the case of county elections. In any state or county election the chief election officer on agreement with the clerk may consolidate the printing contracts for similar types of ballots where such consolidation will result in lower costs.

Each precinct shall receive a sufficient number of ballots based on the number of registered voters and the expected spoilage in the election concerned. A sufficient number of absentee ballots shall be delivered to each clerk not later than 4:30 p.m. on the tenth day prior to the date of any election. Each clerk shall, as soon as may be practical after the election, certify to the chief election officer the actual number of ballots delivered to absentee voters.”

(7) By amending section 11-132 to read as follows:

**“Sec. 11-132 One thousand foot radius; admission within polling place.**

(a) The precinct officials shall, prior to opening the polls, set apart an area of one thousand feet in radius around the polling place to prevent interference with the conduct of the election, except that public sidewalks, alleys, roads, streets, and highways falling within the one thousand foot radius shall be open to persons and vehicles passing through. Any person who remains or loiters

within the area for the purpose of campaigning shall be guilty of a misdemeanor.

(b) Admission within the polling place shall be limited to the following:

- (1) Election officials;
- (2) Watchers, if any, pursuant to section 11-77;
- (3) Candidates;
- (4) Any voters actually engaged in voting, going to vote or returning from voting;
- (5) Any person, designated by a voter who is physically disabled, while he is assisting the voter; and
- (6) Any person or nonvoter group authorized by the chief election officer or the clerk in county elections to observe the election at designated precincts for educational purposes provided that they conduct themselves so that they do not interfere with the election process."

(7A)† By amending section 11-133 to read:

**"Sec. 11-133 Voting booths; placement of visual aids.** The precinct officials shall provide sufficient voting booths within the polling place at or in which the voters may conveniently cast their ballots. The booths shall be so arranged that in casting the ballots the voters are screened from the observation of others.

Visual aids, including specimen ballots, shall be posted at or in each voting booth and in conspicuous places outside the polling place before the opening of the polls."

(8) By amending section 11-134 to read:

**"Sec. 11-134 Ballot transport containers; ballot boxes.** The seals of the ballot transport containers shall be broken and opened on election day only in the presence of at least two precinct officials not of the same political party.

The chief election officer shall provide suitable ballot boxes for each polling place needed. They shall have a hinged lid fastened securely by a good lock or locks. In the center of the lid there shall be an aperture of the appropriate size for the voting system used. The ballot boxes shall be placed at a point convenient for the deposit of ballots and where they can be observed by the precinct officials.

At the opening of the polls for the election, the chairman of the precinct officials shall publicly open the ballot boxes and expose them to all persons present to show that they are empty. The ballot boxes shall be closed and locked; they shall remain locked until the polls are closed except where the early collection of ballots has been authorized pursuant to section 11-135."

(9) By amending section 11-135 to read:

**"Sec. 11-135 Early collection of ballots.** The chief election officer may authorize collection of voted ballots before the closing of the polls in order to facilitate the counting of the ballots."

(10) By amending section 11-137 to read:

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†Renumbered to correct clerical error; as enacted it was numbered (10).

**“Sec. 11-137 Secrecy; removal or exhibition of ballot.** No person shall look at or ask to see the contents of the ballot of any voter, except as provided in section 11-139, nor shall any person within the polling place attempt to influence a voter in regard to whom he shall vote for. When a voter is in the voting booth for the purpose of voting, no other person shall, except as provided in section 11-139, be allowed to enter the booth or to be in a position from which he can observe how the voter votes.

No person shall take a ballot out of the polling place except as provided in sections 11-135 and 11-139. After voting the voter shall leave the voting booth and deliver his ballot to the precinct official in charge of the ballot boxes. The precinct official shall make certain that he has received the correct ballot and no other and then shall drop the ballot into the ballot box. If any person having received a ballot leaves the polling place without first delivering the ballot to the precinct official as provided above, or wilfully exhibits his ballots, except as provided in section 11-139, after the ballot has been marked, such person shall forfeit his right to vote, and the chairman of the precinct officials shall cause a record to be made of the proceeding.”

(11) By amending section 11-140 to read:

**“Sec. 11-140 Spoiled ballots.** In elections using the paper ballot and electronic voting systems, if a voter spoils a ballot, he may obtain another upon returning the spoiled one. The ballot returned shall be canceled immediately, and the reasons for the cancellation endorsed thereon and signed by the chairman of the precinct officials.”

(12) By amending section 11-151 to read:

**“Sec. 11-151 Vote count.** Each contest or question on a ballot shall be counted independently as follows:

- (1) If the votes cast in a contest or question are equal to or less than the number to be elected or chosen for that contest or question, the votes shall be counted.
- (2) If the votes cast in a contest or question exceed the number to be elected or chosen for that contest or question, the votes for that contest or question shall not be counted.”

(13) By amending section 11-152 to read:

**“Sec. 11-152 Method of counting.** (a) In an election using the paper ballot voting system, immediately after the close of the polls, the chairman of the precinct officials shall open the ballot box. The precinct officials at the precinct shall proceed to count the votes as follows:

- (1) The whole number of ballots shall first be counted to see if their number corresponds with the number of ballots cast as recorded by the precinct officials;
- (2) If the number of ballots corresponds with the number of persons recorded by the precinct officials as having voted, the precinct officials shall then proceed to count the vote cast for each candidate;
- (3) If there are more ballots or less ballots than the record calls for the precinct officials shall proceed as directed in section 11-153.
- (b) In those precincts using the electronic voting system, the chairman of the precinct officials shall open the ballot box or boxes and the ballots shall

be taken to the counting center according to the procedure and schedule promulgated by the chief election officer to promote the security of the ballots. In the presence of official observers, counting center employees may start to count the ballots prior to the closing of the polls provided there shall be no printout by the computer or other disclosure of the number of votes cast for a candidate or on a question prior to the closing of the polls.”

(14) By amending section 11-153 to read:

“**Sec. 11-153 More or less ballots than recorded.** If there are more ballots than the poll book indicates, this shall be an overage, and if less ballots, it shall be an underage. The election officials or counting center employees responsible for the tabulation of ballots shall make a note of this fact on a form to be provided by the chief election officer. The form recording the overage or underage shall be sent directly to the chief election officer or the clerk in county elections separate and apart from the other election records.

If the electronic voting system is being used in an election, the overage or underage may be recorded after the tabulation of the ballots. In an election using the paper ballot voting system, the precinct officials shall proceed to count the vote cast for each candidate or on a question after recording the overage or underage.

As soon after the election as possible the chief election officer or the clerk shall make a list of all precincts in which an overage or underage occurred and the amount of the overage or underage. This list shall be kept as a public record in the office of the chief election officer or the clerk in county elections and the clerk’s office in counties other than the city and county of Honolulu in elections involving state candidates.

An election contest may be brought under part XI, if the overage or underage in any district could affect the outcome of an election.”

(15) By amending section 11-172 to read:

“**Sec. 11-172 Contests for cause; generally.** With respect to any election, any candidate, or qualified political party directly interested, or any thirty voters of any election district, may file a complaint in the supreme court. The complaint shall set forth any cause or causes, such as but not limited to, provable fraud, overages, or underages, that could cause a difference in the election results. The complaint shall also set forth any reasons for reversing, correcting, or changing the decisions of the precinct officials or the officials at a counting center in an election using the electronic voting system.”

(16) By amending section 11-181 to read:

“**Sec. 11-181 Capital equipment.** The State shall pay for all voting system capital equipment. This shall include, but not be limited to voting machines, voting devices, and initial computer programs.”

SECTION 2. Chapter 12, Hawaii Revised Statutes, is amended in the following respects:

(1) By amending section 12-2 to read:

“**Sec. 12-2 Primary held when; candidates only those nominated.** The primary shall be held at the regular polling place for each precinct on the first Saturday of October in every even numbered year.



No person shall be a candidate for any general or special general election unless he has been nominated in the immediately preceding primary or special primary.

(2) By amending section 12-3 to read:

**"Sec. 12-3 Nomination paper: format; limitations.** The name of no candidate shall be printed upon any official ballot to be used at any primary, special primary, or special election unless a nomination paper was filed in his behalf and in the name by which he is commonly known. The nomination paper shall be in a form prescribed by the chief election officer containing substantially the following information:

- (1) A statement by the registered voters of the district from which the candidate is running signing the form that their primary election ballot preference designation will allow them to vote for the candidate at the next election;
- (2) A statement by the registered voters that they nominate the candidate for the office on the nomination paper;
- (3) The residence address and county in which the candidate resides;
- (4) The name of the candidate and the office for which he is running, which name and office is to be placed on the nomination paper by the chief election officer or the clerk prior to releasing the form to the candidate;
- (5) Space for the names of the registered voters signing the form and their district or districts and precinct or precincts;
- (6) A certification by the candidate that he will qualify under the law for the office he is seeking;
- (7) A certification by a party candidate that he is a member of the party, that he believes in the principles and policies of that party, that if elected he will carry out the provisions and pledges of the political platform of the party and will abide by the party's rules and regulations;
- (8) The name the candidate wishes inserted on the ballot and the post office address of the candidate.

No signatures shall be counted, unless they are upon the nomination paper having the format set forth above, written or printed thereon, and if there are separate sheets to be attached to the nomination paper, the sheets shall have the name of the person and the office for which he is running placed thereon by the chief election officer or the clerk. The nomination paper and separate sheets shall be provided by the chief election officer or the clerk.

Nomination papers shall not be filed in behalf of any person for more than one party or for more than one office; nor shall any person file nomination papers both as a party candidate and as a nonpartisan candidate.

The office for which the candidate is running and his name may not be changed from that indicated on the nomination paper and separate sheets. If the candidate wishes to run for an office different from that for which the nomination paper states, he may request the appropriate nomination paper from the chief election officer or clerk and have it signed by the required number of voters."

(3) By amending section 12-6 to read:

**“Sec. 12-6 Nomination papers: time for filing; fees.** Nomination papers shall be filed as follows:

- (1) For members of Congress, state, and county offices, with the chief election officer or clerk in case of county offices not later than 4:30 p.m. on the forty-fifth day prior to the primary, special primary, or special election (but if such day is a Saturday, Sunday, or holiday then not later than 4:30 p.m. on the first working day immediately preceding); provided that any state candidate from the counties of Hawaii, Maui, and Kauai may file his declaration of candidacy with his respective clerk. The clerk shall transmit to the office of the chief election officer the state candidate’s declaration of candidacy without delay. However, if a special primary or special election is to be held by a county and the county charter requires that the council shall issue a proclamation calling for the election to be held within a specified period of time, and if that requirement would not allow the filing of nomination papers with the appropriate office by the sixtieth day prior to the day for holding such primary or special election, the council shall establish the deadline for the filing of nomination papers in the proclamation calling for the election.
- (2) There shall be deposited with each nomination a fee on account of the expenses attending the holding of the primary, special primary, or special election which shall be paid into the treasury of the State, or the county, as the case may be, as a realization:
  - (A) For governor, lieutenant governor, United States senators, and United States representatives-\$75;
  - (B) For mayor-\$50; and
  - (C) For all other offices-\$25.
- (3) Upon the receipt by the chief election officer or the clerk of the nomination paper of a candidate, the day, hour, and minute when it was received shall be endorsed thereon.”
- (4) By amending to read:

**“Sec. 12-8 Nomination papers: challenge.** (a) All nomination papers filed in conformity with section 12-3 shall be deemed valid unless objection is made thereto by the chief election officer or the clerk in the case of county offices or by a registered voter in writing. Such objection is to be made not later than 4:30 p.m. on the second day after the close of filing or the next succeeding working day. In case objection is made, notice thereof shall be given including notification by registered or certified mail to the candidate objected thereto. All objections shall be decided by the chief election officer or clerk not later than 4:30 p.m. on the second day after they are made. All objections which are upheld shall be placed in writing by the deciding official if so requested by the candidate affected.”

SECTION 3. Chapter 15, Hawaii Revised Statutes, is repealed and a new chapter is added to be designated and to read:

## “CHAPTER 15 ABSENTEE VOTING

**“Sec. 15-1 Definitions.** As used in this chapter, unless the context otherwise requires:

“Absentee ballot” means a ballot as defined in section 11-1 used in absentee voting.

“Invalid ballot” means an absentee ballot which does not meet the requirements for a ballot to be counted as listed in section 15-9.

“Voter in a remote area” means any registered voter who resides ten miles or more from his designated polling place by the most direct route for public travel.

**Sec. 15-2 Who may vote by absentee ballot.** Any voter may cast an absentee ballot subject to this chapter and rules promulgated by the chief election officer if he is a voter in a remote area or he is unable to appear at his polling place during the hours of voting because of one of the following reasons:

- (1) Absence from the island, county, or district in which he is registered on election day;
- (2) Confinement in any hospital;
- (3) Confinement in any public institution for the care of indigents or aged persons;
- (4) Confinement in any leprosy institution or settlement located on the same island in which he is registered to vote or in the county of Kalawao;
- (5) Confinement in any penal institution for a misdemeanor or as a pre-trial detainee;
- (6) Confinement to his home because of illness or physical disability; or
- (7) Conflicting religious belief, ruling, doctrine, or standard.

Any other voter unable to appear at his polling place on election day for causes determined by the chief election officer by rule to be good and sufficient shall be entitled to vote as provided by this chapter and the rules promulgated thereunder.

**Sec. 15-3 Absentee ballot for presidential election.** If ineligible to qualify as a voter in the State to which he has moved, any former registered voter of Hawaii may vote an absentee ballot in any presidential election occurring within twenty-four months after leaving Hawaii by requesting an application form and returning it properly executed to the clerk of the county of his prior Hawaii residence. When requesting an application form for an absentee ballot, the applicant shall specify his eligibility for only the presidential ballot, and the fact of applicant’s ineligibility to vote at his new place of residence verified by the voter registrar or his authorized representative in the jurisdiction of the applicant’s new residence. The application must be received in sufficient time for ballots to be mailed and returned prior to any presidential election at which the applicant wishes to vote. All required information pursuant to the rules promulgated by the chief election officer shall be completed in full.

**Sec. 15-4 Request for absentee ballot.** Any person entitled to vote under

this chapter may request an absentee ballot in person or in writing from the clerk not earlier than on the sixtieth day and not later than 4:30 p.m. on the seventh day prior to the election except in special cases as provided in the rules promulgated by the chief election officer.

The request shall include information such as the address under which the person is registered, the establishment of his right to an absentee ballot, and the address to which he wishes his ballot forwarded. The request, when made for any primary or special primary election, may include an additional request for an absentee ballot to be voted at any election immediately following the primary or special primary provided the person so indicates in his request.

Subsequent to the closing of registration for each election, the clerk may mail a request form for an absentee ballot to each voter in a remote area who has not already made such a request. The request form shall be accompanied by:

- (1) A stamped, self-addressed envelope; and
- (2) Instructions regarding the manner of completing and returning the request form.

Any voter requesting an absentee ballot for a primary or special primary election who has not voted in a primary or special primary election since 1968 shall state his selection of party ballot, non-partisan ballot or of only the official board of education ballot in his request.

**Sec. 15-5 Delivery of ballots.** Immediately upon receipt of a request within the time limit specified in section 15-4, the clerk shall examine the records to ascertain whether or not the voter is lawfully entitled to vote as requested. As soon as the printed official ballots are available, the clerk shall mail in a forwarding envelope, via airmail if necessary, or deliver in person if the voter appears at the office of the clerk an official ballot and other materials prescribed in section 15-6 except that an incapacitated voter may send a representative to obtain his ballots pursuant to the rules promulgated by the chief election officer. All requests received upon the last day of receipt shall be mailed to the voter requesting the same as soon as reasonably practicable, but in no event later than twenty-four hours after receipt thereof.

**Sec. 15-6 Reply envelope; instructions.** The clerk shall enclose the ballot in an unsealed reply envelope to be furnished by him and which shall contain a statement to be subscribed to by the voter which affirms the fact that he is the person voting, the instruction that his ballot will be valid only if the affirmation statement is signed, and any other information prescribed by the rules promulgated by the chief election officer.

**Sec. 15-7 Absentee precinct.** An absentee precinct shall be established at the office of the respective clerks or a place designated by the clerk under the provisions prescribed in the rules promulgated by the chief election officer. The absentee precinct shall meet before election day to handle the absentee voters who are voting in person.

**Sec. 15-8 Absentee ballot container.** An absentee ballot container or containers shall be provided in the absentee precinct for the purpose of depositing the reply envelopes and the ballots cast by those who vote in person

at the absentee precinct. The container shall be secured in accordance with rules promulgated by the chief election officer.

Tampering with the container or opening it before the time prescribed in section 15-9 shall be an election offense under section 19-6.

**Sec. 15-9 Return and receipt of absentee ballots.** The reply envelope shall be:

- (1) Mailed and must be received by the clerk issuing the absentee ballot not later than the closing of the polls on any election day; or
- (2) Delivered other than by mail to the clerk issuing the absentee ballot not later than the closing of the polls on any election day.

Upon receipt of the reply envelope from any person voting under this chapter, the clerk or the precinct officials of the absentee precinct shall time stamp the reply envelope and deposit it in the correct absentee ballot container. On election day the container shall be opened by the precinct officials of the absentee precinct.

Prior to opening the envelopes and counting the ballots, the envelopes shall be checked for the following:

- (1) Signature on the affirmation statement;
- (2) Whether the signature corresponds with the absentee request or register; and
- (3) Whether the person is a registered voter and has complied with the requirements of sections 11-15 and 11-16.

If any of the above requirements is not met or if the envelope appears to be tampered with, the clerk or the precinct official shall mark across the face of the envelope "invalid" and it shall be kept in the custody of the clerk and disposed of as prescribed for ballots in section 11-154.

If an absentee precinct is established at the clerk's office prior to election day, the precinct officials of the absentee precinct shall check the envelopes for the above requirements prior to depositing them in the correct absentee ballot container. All envelopes that have been marked as invalid prior to election day shall be rechecked on election day.

**Sec. 15-10 Counting of absentee ballots.** If the requirements in section 15-9 are met, the reply envelope may be opened and the ballot counted as prescribed by law for the voting system in use.

In those absentee precincts using paper ballots, counting of the absentee votes may begin after noon of election day.

In those absentee precincts using the electronic voting system, the absentee ballots shall be transported to the counting center in a manner and by a schedule as provided in the rules promulgated by the chief election officer. In no case, however, shall the results of the absentee count become publicly known before the polls have officially closed.

Any person violating this section shall be guilty of an election offense under section 19-6.

**Sec. 15-11 Voting by absentee voter at polls prohibited.** Any person having voted an absentee ballot pursuant to this section shall not be entitled to cast a ballot at the polls on election day. An absentee voter who does cast

a ballot at the polls shall be guilty of an election offense under section 19-3 (5).

**Sec. 15-12 Receipt and disposition of late absentee ballots.** For any election all reply envelopes containing absentee ballots received by the clerk after the deadline for receipt stated in section 15-9 shall be kept unopened and disposed of pursuant to section 11-154.

**Sec. 15-13 Death of voter prior to opening of polls.** Whenever sufficient proof is shown to the clerk or precinct officials that an absentee voter who has returned his reply envelope has died prior to the opening of the polls on the date of election, his ballot shall be deemed invalid and disposed of pursuant to section 11-154. The casting of any such ballot shall not invalidate the election.

**Sec. 15-14 Ballots; where voting machines are used.** In all precincts in which voting machines are used sections 15-1 to 15-13 shall apply provided that the number and type of absentee ballots to be printed shall be determined at the discretion of the officer charged with printing and furnishing them. The officer may use reasonable facsimiles of the sample ballot used in voting machine precincts."

SECTION 4. Chapter 15A, Hawaii Revised Statutes, is repealed.

SECTION 5. Chapter 16, Hawaii Revised Statutes, is amended in the following respects:

(1) By amending the title of Chapter 16, Part II, Hawaii Revised Statutes, to read:

**"PART II. VOTING MACHINE SYSTEM"**

(2) By amending section 16-11 to read:

**"Sec. 16-11 Definitions.** "Voting machine system" means the method of electrically, mechanically, or electronically recording and counting votes upon being cast.

"Protective counter" means an apparatus built into the voting machine which cannot be reset, which records the total movement of the operating lever."

(3) By amending the title of Chapter 16, Part III, Hawaii Revised Statutes, to read:

**"PART III. PAPER BALLOT VOTING SYSTEM"**

(4) By amending section 16-21 to read:

**"Sec. 16-21 Definition.** "Paper ballot voting system" means the method of recording votes which are counted manually."

(5) By amending the title of Chapter 16, Part IV, Hawaii Revised Statutes, to read:

**"PART IV. ELECTRONIC VOTING SYSTEM"**

(6) By amending section 16-41 to read:

**"Sec. 16-41 Definitions.** "Electronic voting system" means the method of recording votes which are counted by automatic tabulating equipment.

"Counting center" means the computer facilities and surrounding prem-

ises designated by the chief election officer or the clerk in county elections where electronic voting system ballots are counted.

“Defective ballot” means any ballot delivered to the counting center in accordance with section 11-152 that cannot be read by the ballot reading device.”

(7) By amending section 16-43 to read:

“**Sec. 16-43 Ballot handling.** In every case where the ballots are handled by election officials or election employees, from the time the ballots are delivered to the several precincts to the time they are returned to the chief election officer or clerk in county elections for disposition upon completion of the tabulation, they shall be handled in the presence of not less than two officials assigned in accordance with sections 11-71 and 11-72 or section 16-45.”

(8) By amending section 16-44 to read:

“**Sec. 16-44 Counting center employees.** (a) The chief election officer or clerk in county elections shall designate counting center employees who will be responsible for the tabulation of the ballots.

(b) Counting center employees shall follow the procedures established by the chief election officer for the tabulation of the ballots.”

(9) By adding the following new sections to be appropriately designated and to read:

“**Sec. 16-45 Official observers.** Official observers shall be designated by the chief election officer or the clerk in county elections to be present at the counting centers and selected in the following manner:

- (1) No less than one official observer designated by each political party;
- (2) No less than one official observer from the news media;
- (3) Additional official observers as space and facilities permit designated by the chief election officer in state elections and the clerk in county elections.

The chief election officer or clerk shall give all official observers reasonable notice of the time and place where the ballots shall be counted. No person shall be permitted in the counting center without the written authorization of the chief election officer or clerk.

“**Sec. 16-46 Counting defective ballots.** Counting center employees in the presence of at least two official observers shall prepare a new ballot to replace each defective ballot. The defective ballots shall be segregated and the replacement ballots counted pursuant to rules promulgated by the chief election officer.”

SECTION 6. Section 19-6, Hawaii Revised Statutes, is amended to read:

“**Sec. 19-6 Misdemeanors.** The following persons shall be guilty of a misdemeanor:

- (1) Any person who offers any bribe or makes any promise of gain, or with knowledge of the same permits any person to offer any bribe or make any promise of gain for his benefit, to any voter to induce him to sign a nomination paper, and any person who accepts any bribe or promise of gain of any kind as consideration for signing the same,

whether the bribe or promise of gain be offered or accepted before or after the signing.

- (2) Any person who wilfully tears down or destroys or defaces any election proclamation or any poster or notice or list of voters or visual aids or specimen ballot, issued or posted by authority of law.
- (3) Any person printing or duplicating or causing to be printed or duplicated any ballot, conforming as to the size, weight, shape, thickness, or color, to the official ballot so that it could be cast or counted as an official ballot in an election.
- (4) Every person who is disorderly or creates a disturbance whereby any meeting of the precinct officials or the board of registration of voters during an election is disturbed or interfered with; or whereby any person who intends to be lawfully present at any meeting or election is prevented from attending; or who causes any disturbance at any election; and every person assisting or aiding or abetting any disturbance.
- (5) Every person who, either in person or through another, in any manner breaks up or prevents, or endeavors to break up or prevent, the holding of any meeting of the board of registration of voters, or in any manner breaks up or prevents, or endeavors to break up or prevent, the holding of any election.
- (6) Any person, other than those designated by section 11-132, who remains or loiters within the area set aside for voting as set forth in section 11-132 during the time appointed for voting.
- (7) Any person, including candidates carrying on any campaign activities within the area described in section 11-132 on the day on which an election is being held for the purpose of influencing votes. Campaign activities shall include but not be restricted to the following:
  - (A) The distribution, circulation, posting, or staking of campaign cards, pamphlets, and other literature;
  - (B) The use of public address systems and other public communication media;
  - (C) The use of motor caravans or parades; and
  - (D) The use of entertainment troupes or the free distribution of goods and services.

The "day of election" as used in this paragraph shall commence at midnight of the day before the polls are opened and shall end with the closing of the polls.

- (8) Any person who opens a reply envelope containing an absentee ballot voted under chapter 15 other than those authorized to do so under chapter 15.
- (9) Any voter who makes any false statement in any affidavit required for absentee voting under chapter 15.
- (10) Every person who, being a candidate for election, or an agent of any candidate, or a member of any committee acting for or on behalf of any candidate, or in charge of any committee or political party to which money is contributed during an election or which spends money in any election, fails to file the statement of expenses or lack of expenses, as



required by law.

- (11) Any person making any anonymous contribution to any candidate, party, or committee as defined in section 11-191, or any candidate, party, or committee receiving any such contribution or entering any contribution falsely in his accounts.
- (12) Any unauthorized person found in possession of any voting machine or keys thereof.
- (13) Every person who wilfully violates or fails to obey any of the provisions of law, punishment for which is not otherwise in this chapter especially provided for.
- (14) Any person who, knowing that he is not entitled to register or vote, registers or votes; and any person taking any oath in this title prescribed or authorized to be administered and wilfully making oath to any false statement of fact, or wilfully making a false answer to any question put to him thereunder."

SECTION 7. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 8. This Act shall take effect upon its approval.

(Approved May 3, 1975.)

ACT 37

S.B. NO. 1213

A Bill for an Act Relating to Duties of the Hawaii Housing Authority with Respect to Rentals and Tenant Selections.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 356-35, Hawaii Revised Statutes, is amended to read:

**"Sec. 356-35 Rentals and tenant selection.** In the operation or management of housing projects the Hawaii housing authority (acting directly or by an agent or agents) shall at all times observe the following duties with respect to rentals and tenant selections:

- (1) It may establish maximum limits of annual net income for tenant selection in any public housing project, less such exemptions as may be authorized by federal regulations pertaining to public housing. The authority may agree to conditions as to tenant eligibility or preference required by the federal government pursuant to federal law in any contract for financial assistance with the authority.
- (2) It may rent or lease the dwelling accommodations therein only at rentals within the financial reach of persons who lack the amount of income which it determines to be necessary in order to obtain safe, sanitary, and uncongested dwelling accommodations within the area of operation of the authority and to provide an adequate standard of living.

\*Edited accordingly.

- (3) It may rent or lease to a tenant a dwelling consisting of the number of rooms (but no greater number) which it deems necessary to provide safe and sanitary accommodations to the proposed occupants thereof, without overcrowding.

Nothing in this chapter shall be construed as limiting the power of the authority:

- (1) To vest in an obligee the right, in the event of a default by the authority, to take possession of a housing project or cause the appointment of a receiver thereof, free from all the restrictions imposed by this chapter with respect to rentals, tenant selection, manner of operation, or otherwise; or
- (2) To vest in obligees the right, in the event of a default by the authority, to acquire title to a housing project or the property mortgaged by the housing authority, free from all the restrictions imposed by this chapter, except those imposed by section 356-32."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.  
(Approved May 3, 1975.)

ACT 38

S.B. NO. 1669

A Bill for an Act Relating to Petroleum Products.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read:

**“CHAPTER  
PROCUREMENT, CONTROL, DISTRIBUTION  
AND SALE OF PETROLEUM PRODUCTS**

**Sec. -1 Findings and purpose.** The limited supply of motor gasoline available to the public during the first few months of 1974, and the panic, disruption, and crisis that accompanied the shortage, clearly demonstrated the necessity for regulatory control to maintain public confidence and order and to effect conservation. The purpose of this chapter is to grant to the governor or his authorized representative the clear authority, when shortages of petroleum products occur or are anticipated, to control the distribution and sale of petroleum products in this State, to procure such products, and to impose rules that will provide extraordinary measures for the conservation of petro-

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\*Edited accordingly.

leum products and for their distribution and sale in an orderly, efficient, and safe manner.

**Sec. -2 "Shortage" defined.** As used in this chapter, unless otherwise indicated by the context, a "shortage" exists whenever the average amount of gasoline available for each motor vehicle during a current or forthcoming month is ten per cent less than the average amount of gasoline that was available during that month in the immediately preceding five years. The average amount of gasoline available for each motor vehicle during a current or forthcoming month shall be determined by dividing the total approximate amount of gasoline available to motor vehicles for a current or forthcoming month by the total approximate number of registered motor vehicles of record during that same month. The average amount of gasoline that was available during that month in the immediately preceding five years shall be determined by dividing the sum of the total amounts of gasoline that was available to motor vehicles for that month in each of the immediately preceding five years by the sum of the total numbers of registered motor vehicles of record during that month in each of the immediately preceding five years.

**Sec. -3 Powers in a shortage.** If the governor declares that a shortage as defined in section -2 exists, he or his authorized representative, to insure that petroleum products are made available to the public in an orderly, efficient, and safe manner, may:

- (1) Control the distribution and sale of petroleum products by promulgating rules that may include, but shall not be limited to, the following measures:
  - (A) Restricting the sale of petroleum products to specific days of the week, hours of the day or night, odd and even calendar days, and for vehicles having less than a specified amount of gasoline in their tanks, with exceptions for certain designated geographical areas.
  - (B) Restricting sales of petroleum products by dealers to daily allocations determined by dividing the monthly allocation by the number of selling days per month.
  - (C) Requiring dealers to post signs to designated hours of operation and sell-out of daily allocation.
  - (D) Allowing the counties to be exempt from all or portions of a state plan and to operate petroleum product distribution plans tailored to their own specific needs where a county has not exempted itself pursuant to sec. -11.
  - (E) Instituting a statewide rationing plan.
  - (F) Allowing for special handling for commercial and emergency-user vehicles.
- (2) Purchase and resell or otherwise distribute petroleum products.
- (3) Receive, expend, or use contributions or grants in money or property, or special contributions thereof for special purposes not inconsistent with this chapter.
- (4) Borrow and expend moneys needed to exercise the powers herein granted.

- (5) Contract in the name of the State for the purpose of implementing this chapter or any part hereof.
- (6) Exercise the powers herein granted to the degree and extent deemed by the governor to be necessary, including the temporary or indefinite suspension of all or part of the measures taken, as the governor deems appropriate.

**Sec. -4 Promulgation, filing, and taking effect of rules.** Upon the occurrence of a shortage, the governor may proceed without prior notice or hearing or upon such abbreviated notice and hearing as he finds practicable to adopt rules authorized under this chapter to be effective for a period of not longer than one hundred twenty days without renewal. To be effective after the one-hundred-twenty-day period, such rules must be adopted pursuant to chapter 91. Each rule adopted, amended, or repealed shall become effective as adopted, amended, or repealed upon approval by the governor and filing with the lieutenant governor. Each rule in effect shall have force and effect of law, but the effect of each rule may be temporarily or indefinitely filed with the lieutenant governor. Each rule temporarily suspended shall take effect again immediately upon expiration of the suspension period. Each rule indefinitely suspended shall take effect immediately upon the filing with the lieutenant governor of the written declaration by the governor terminating the suspension.

**Sec. -5 Publication of rules and declarations.** Within five days after the date of filing with the lieutenant governor of each rule or declaration, the governor shall make the rule or determination known to the persons affected by it by publication at least once in a newspaper of general circulation in the State and in a newspaper that is printed and issued at least twice weekly in the county within which those affected persons reside.

**Sec. -6 Petition for adoption, amendment, repeal, or suspension of rules.** Any interested person may petition the governor or his authorized representative requesting the adoption, amendment, repeal, or suspension of any rule and stating reasons therefor. The governor or his authorized representative shall prescribe the form for the petitions and the procedures for their submission, consideration, and disposition, and within thirty days after submission of the petition shall either deny the petition in writing, stating his reasons for the denial, or grant the petition and adopt, amend, repeal, or suspend the rule accordingly.

**Sec. -7 Petroleum products control fund.** There is hereby established in the state treasury a revolving fund to be known as the petroleum products control fund. All fees or charges collected for services furnished or petroleum products sold, all moneys borrowed, and all contributions or grants of money received under this chapter shall be deposited in this fund; provided that the governor may establish other suitable funds in the state treasury for deposit and separate accounting of moneys contributed or granted for special purposes under this chapter. All moneys in the petroleum products control fund are appropriated for the purposes of this chapter and shall be expended by the governor or his designated representative. The governor or his designated representative may expend and use the moneys in the petroleum products con-

trol fund to purchase petroleum products, to obtain services, equipment, materials, and supplies necessary under this chapter, and to repay moneys borrowed under this chapter.

**Sec. -8 Personnel; delegation of powers.** The governor may appoint or employ temporary boards, agencies, officers, employees, and other persons, or any of them, for the purpose of carrying out the provisions of this chapter. All such temporarily appointed or employed officers and employees, whether or not employed by contract, shall be exempt from and not subject to nor entitled to the benefits of the provisions of chapters 76, 77, and 79, and part II of chapter 88, or any other law that is inapplicable to temporary employees of the State.

**Sec. -9 Investigations and surveys.** The governor or his authorized representative may make investigations and surveys for the purpose of ascertaining facts to be used in administering this chapter, and in making the investigations and surveys, may require the making, filing, or keeping of applications, schedules, records, reports, or statements, under oath or otherwise, administer oaths, take evidence under oath, subpoena witnesses, and require the production of books, papers, and records. Witnesses shall be allowed their fees and mileage as in cases in the circuit courts. The circuit court of any circuit or judge thereof may enforce by proper proceedings the attendance and testimony of any witness subpoenaed to appear within the circuit, or the production of books, papers, and records.

**Sec. -10 Fraud; misdemeanor.** Any person required by the governor or his authorized representative, pursuant to section -9, to make, keep or file any application, schedule, record, report, or statement, whether or not under oath, who intentionally makes, files, or keeps a false or fraudulent application, schedule, report, or statement or intentionally conceals therein any material fact, and any person who in any other manner intentionally deceives or attempts to deceive the governor or his authorized representative with respect to any fact to be used in administering this chapter, and any person who intentionally fails to observe and comply with any rule promulgated under this chapter, shall be guilty of a misdemeanor.

**Sec. -11 Exemption.** Any county, which has under its charter the right to declare an emergency and the power to carry out a plan to cope with the emergency, shall be exempt from all or portions of a state plan as the county may determine by ordinance provided that notwithstanding any charter or ordinance provision to the contrary or in the absence thereof, such ordinance shall be effective for a period of not longer than one hundred twenty days.

To be effective after the one hundred twenty day period, any ordinance exempting the county from all or portions of the state plan shall meet the following requirements prior to adoption by the county:

(a) The county council shall hold a public hearing at which all interested persons shall be afforded the opportunity to submit data, views, or arguments, orally or in writing. The council shall fully consider all written and oral submission respecting the proposed exemption. (b) The county council shall give at least twenty days notice for the public hearing. Such notice shall include a statement of the substance of the proposed exemption, and of the date, time

and place where interested persons may be heard thereon. The notice shall be published at least once in a newspaper of general circulation in the State or in a newspaper that is printed or issued at least twice weekly in the county affected.

Such public hearing and notice requirements shall supersede and be in lieu of any notice and public hearing requirements provided by any county charter or ordinance and shall also apply in the absence of any county charter or ordinance provision concerning such requirements.

The same public hearing and notice requirement set forth in this section for the adoption of any exemptions for the state plan shall apply to the amendment or repeal of such exemptions.

Any county so exempt may operate petroleum product distribution plans tailored to its own specific needs but shall coordinate its operation in consonance with the governor's exercise of his authority in the control and distribution and sale of petroleum products under the state plan."

SECTION 2. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act that can be given effect without the invalid provisions or application, and to this end the provisions of this Act are severable.

SECTION 3. This Act shall take effect upon its approval.

(Approved May 3, 1975.)

ACT 39

S.B. NO. 1682

A Bill for an Act Relating to Outdoor Advertising.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 264-72, Hawaii Revised Statutes, is amended to read:

"Sec. 264-72 Control of outdoor advertising. No person shall erect or maintain any outdoor advertising outside of the right of way boundary and visible from the main-traveled way of any federal-aid or state highway within the State, except the following:

- (1) Directional and other official signs and notices, which signs and notices shall include, but not be limited to, signs and notices pertaining to natural wonders, scenic and historic attractions as authorized or required by law.
- (2) Signs, displays, and devices advertising the sale or lease of the property upon which they are located.
- (3) Signs, displays, and devices advertising activities conducted on the property upon which they are located.
- (4) Signs lawfully in existence on October 22, 1965, determined by the director to be landmark signs, including signs on farm structures or

natural surfaces, of historic or artistic significance the preservation of which would be consistent with the purpose of this section.”

SECTION 2. Section 264-75, Hawaii Revised Statutes, is amended to read:

“**Sec. 264-75 Compensation for removal of outdoor advertising.** (a) The director of transportation may acquire by purchase, gift, or condemnation, and pay just compensation upon the removal of any outdoor advertising lawfully erected.

(b) The compensation will be paid only for the following:

- (1) The taking from the owner of the outdoor advertising of all right, title, leasehold, and interest therein; and
- (2) The taking from the owner of the real property on which the outdoor advertising is located, of the right to erect and maintain the outdoor advertising thereon.”

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.\*

SECTION 4. This Act shall take effect upon its approval.

(Approved May 3, 1975.)

ACT 40

H.B. NO. 259

A Bill for an Act Relating to Damages for Trespass of Animals.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Sections 142-63, 142-64, and 142-65, Hawaii Revised Statutes, are amended to read as follows:

“**Sec. 142-63 Trespass on fenced cultivated land.** If any cattle, horse, mule, ass, swine, sheep, or goat, trespasses on any properly fenced cultivated ground, the owner thereof shall pay upon proof, the full amount of the damage or loss to the land owners, or to any person in possession of the land, who ever suffers the damage or loss.

**Sec. 142-64 On unfenced cultivated land.** If any of the animals mentioned in section 142-63 trespasses on any unfenced cultivated ground, the owner thereof shall pay upon proof, the full amount of the damage or loss to the land owner or to any person in possession of the land, whoever suffers the damage or loss.

**Sec. 142-65 On uncultivated land.** If any of the animals mentioned in section 142-63 trespasses on any properly fenced uncultivated land, the owner of the animals shall pay upon proof, the full amount of the damage or loss to the land owner or to any person in possession of the land, whoever suffers the damage or loss.”

\*Edited accordingly.

ACT 41

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 3, 1975.)

ACT 41

H. B. NO. 416

A Bill for an Act Relating to Workmen's Compensation.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The Hawaii Revised Statutes is amended by substituting the words "workers' compensation" wherever the words "workmen's compensation" appear therein.

SECTION 2. This Act shall take effect upon its approval.

(Approved May 3, 1975.)

ACT 42

H. B. NO. 429

A Bill for an Act Relating to the Licensing of Real Estate Brokers and Salesmen.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 467-9.5, Hawaii Revised Statutes, is amended to read:

**"Sec. 467-9.5 Prerequisites for written examination.** No person hereunder shall be eligible for the commission's written examination unless:

- (1) The person is a legal resident of the State and is of the age of majority;
- (2) The person applying for the real estate salesman examination has satisfactorily completed a course on real estate principles or its equivalent, approved or accredited by the real estate commission;
- (3) The person applying for the real estate broker examination has satisfactorily completed a course for real estate brokers, or its equivalent, approved or accredited by the real estate commission;
- (4) The person applying for the real estate broker examination (A) has previously been licensed as a Hawaii real estate salesman, and (B) has previously been engaged in the real estate business as a licensed Hawaii real estate salesman for a period of two years on a full-time basis, or has had other experience or education in the selling or management of real estate, which, in the opinion of the commission, is

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\*Edited accordingly.



equivalent to two years' experience to be established by detailed explanatory affidavit or in such other manner as may be determined by the commission."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 3, 1975.)

## ACT 43

H.B. NO. 445

A Bill for an Act Relating to Highway Safety.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 286, Hawaii Revised Statutes, is amended by adding to Part III a new section to be appropriately designated and to read:

**"Sec. 286- Notice of change of address or name; penalty.** (a) If the address of a registered owner of a motor vehicle is changed from that stated on the application or the certificate of registration, the registered owner, shall, within thirty days after the change, notify the appropriate county director of finance, in writing, of the change, stating his old and new addresses.

(b) If the name of a registered owner of a motor vehicle is changed from that shown on the application or the certificate of registration or certificate of ownership, the registered owner shall, within thirty days after the change, notify the appropriate county director of finance, in writing, of the change and shall submit together with the notice, the certificate of ownership, the current year's certificate of registration, if any has been issued to him, and proof of the change of name. Upon receipt of the certificate of ownership, certificate of registration, if any, and satisfactory proof of the change of name, the county director of finance shall issue a new certificate of ownership and certificate of registration. The charge for the issuance of a new certificate of ownership and certificate of registration shall be as provided by law except that in the case of individual owners, no charge shall be made.

(c) For the purposes of this section, the following terms shall have the following meanings:

(1) "Registered owner" includes an applicant for registration of a motor vehicle the processing of whose application has not been completed by the issuance of a certificate of registration and a certificate of ownership.

(2) "Individual owners" excludes corporate owners of motor vehicles.

(d) Any person who violates this section shall be fined not more than \$25."

\*Edited accordingly.

SECTION 2. Chapter 286, Hawaii Revised Statutes, is amended by adding to Part VI a new section to be appropriately designated and to read:

**“Sec. 286- Notice of change of address or name; penalty.** (a) If the residence address of an applicant for, or a holder of, a driver’s license is changed from that stated in the application or in the license issued to him, the person shall, within thirty days after such change in address, notify the examiner of drivers in writing of his old and new residence addresses and the number of any license then held by him.

(b) If the name of an applicant for, or a holder of, a driver’s license is changed from that shown on his application or license, the person shall, within thirty days after the change of name, notify the examiner of drivers in writing of his former name and the new name and of the number of any permit or license then held by him. The examiner of drivers may require the person to file satisfactory proof of the change of name.

(c) Any person who violates this section shall be fined not more than \$25.”

SECTION 3. New material is underscored. In printing this Act the revisor of statutes need not include the underscoring.\*

SECTION 4. This Act shall take effect upon its approval.

(Approved May 3, 1975.)

A Bill for an Act Relating to the Control and Eradication of Noxious Weeds.  
*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 152, Hawaii Revised Statutes, is hereby amended to read:

**“CHAPTER 152  
NOXIOUS WEED CONTROL**

**Sec. 152-1 Definitions.** For the purpose of this chapter, unless otherwise required by context:

- (1) “Department” means the department of agriculture.
- (2) “Noxious weed” means gorse and any other plant species which is injurious, harmful or deleterious or which may be likely to become so to the agricultural, horticultural, aquacultural, livestock industries of the State, and to forest and recreational areas and conservation districts of the State, as determined and so designated by the department from time to time.
- (3) “Landowner” means the possessor of a fee simple absolute title in

\*Edited accordingly.

land or real estate and shall include the State as well as its political subdivisions in their capacities as owners of public lands.

- (4) "Person" means any individual, firm, corporation, association, or partnership.
- (5) "Eradicate noxious weed" means to completely destroy and eliminate existing plant growth, seeds and vegetative reproductive plant parts of a specific noxious weed from a given locality.
- (6) "Control noxious weed" means to limit the spread of a specific noxious weed and to reduce its density to a degree where its injurious, harmful, or deleterious effect is reduced to a tolerable level.

**Sec. 152-2 Rules and regulations.** The department of agriculture shall have all powers necessary to carry out and to effectuate this chapter, by rules and regulations including but not limited to the following:

- (1) To establish criteria and procedures for the designation of plant species as noxious weeds for the purposes of this chapter;
- (2) To establish procedures and conditions for the initiation of cooperative agreements with landowners for the purpose of eradicating or controlling noxious weed infestations;
- (3) To promulgate necessary rules and regulations necessary to control or eradicate noxious weeds when deemed economically feasible; provided that all rules and regulations shall be in compliance with all other laws concerning the making of rules and regulations which shall have the force and effect of law.

**Sec. 152-3 Prohibited acts.** It shall be unlawful to introduce or to transport specific noxious weed, its seed or its vegetative reproductive parts into any area designated pursuant to section 152-5 as free or reasonably free of such noxious weed; provided that said introduction or transportation may be permitted for educational or research purposes when authorized by a permit issued by the department.

**Sec. 152-4 Designation of noxious weed.** The department may designate certain plant species as noxious weeds following criteria and procedures promulgated by regulations under section 152-2(1). The department shall publish and shall make available a list of noxious weeds to interested persons.

**Sec. 152-5 Designation of areas declared free or reasonably free of noxious weeds.** The department may declare the entire State, an island or a section of an island as free or reasonably free of a specific noxious weed. The department shall take necessary measures to restrict the introduction and establishment of specific noxious weeds in areas declared free or reasonably free of such noxious weeds.

**Sec. 152-6 Duties of the department; noxious weed control and eradication.** (a) The department of agriculture shall maintain a constant vigilance for incipient infestations of specific noxious weeds on islands declared reasonably free from such weeds, and use such procedures and methods to control or eradicate such infestations of noxious weeds as are determined to be feasible and practicable.

(b) When the department determines that an infestation of a certain noxious weed exists on an island declared reasonably free from the weed, the

department shall immediately conduct such investigations and surveys as are necessary to determine the feasibility and practicability of control or eradication of the infestation. The department may also conduct investigations and surveys to determine the feasibility and practicability of controlling widespread noxious weed infestations. The methods of control or eradication adopted by the department for any noxious weed infestation shall cause as little damage to crops and property as possible.

(c) Upon determining that control or eradication of an infestation is practicable and feasible, the department shall immediately serve notice, either oral or written, on both the landowner of the property and the occupant of the property on which the infestations exist. Written notice sent to the landowner's address last known to the department by registered mail, postage prepaid, return receipt requested, shall be deemed sufficient notice. The notice shall set forth all pertinent information with respect to the infestation and notify the landowner and the land occupant of the procedure and methods of control or eradication.

(d) Upon the department's notification pursuant to subsection (c) above, the department may enter into a cooperative agreement with the landowner for the control or eradication of said noxious weed infestation. The procedures and conditions for executing the cooperative agreement shall be in accordance with rules and regulations adopted under section 152-2(2).

(e) Upon the department's notification pursuant to subsection (c) above, the department may entirely undertake the eradication or control project when it has been determined that the owner, occupier or lessee of the land on which the noxious weed infestation is located will not benefit materially or financially by the control or eradication of said noxious weed; or when the noxious weed infestation is on state owned land not leased or under control of private interest.

**Sec. 152-7 Entry of private property for the control of any noxious weed.**

Whenever any member of the department or any member of a county agency duly authorized to maintain a noxious weed control program determines that there is an infestation of noxious weed on private property and that such infestation poses a threat to the agricultural, horticultural, or livestock industry of the county in which the property is situated, the department or county agency may enter such property for the purpose of abating, destroying, removing, or controlling such infestation; provided that the county agency or department shall give written notice of such finding to the owner or occupant of such property at least five days prior to entry. If such entry is refused, the member may make a complaint to the district court in the circuit in which such land is located. The district court may thereupon issue a warrant, directed to any police officer of the circuit, commanding him to take sufficient aid, and, being accompanied by a member of the department or county agency, as the case may be, between the hours of sunrise and sunset to examine, abate, destroy, remove, or control, under the directions of the member, the infestation of noxious weeds."

SECTION 2. Material to be repealed is bracketed. New material is

underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.

SECTION 3. This Act shall take effect upon its approval.

(Approved May 3, 1975.)

## ACT 45

H.B. NO. 1890

A Bill for an Act Relating to the Unauthorized Practice of Law.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Without infringing upon the power of any court to prevent the unauthorized practice of law, the purpose of this Act is to make clear that the attorney general or any bar association in this State may maintain actions to prevent the unauthorized practice of law.

SECTION 2. Chapter 605 of the Hawaii Revised Statutes relating to the unauthorized practice of law is hereby amended by repealing section 605-15, by adding new sections 605-15, 605-15.1, and 605-15.2 and amending section 605-17 to read as follows:

“**Sec. 605-15 Venue.** Actions for violations of section 605-14 shall be brought in the circuit court for the judicial circuit in which the violation is alleged to have been committed.

**Sec. 605-15.1 Standing.** The attorney general or any bar association in this State may maintain an action for violations of section 605-14.

**Sec. 605-15.2 Remedies.** Remedies for the violation of section 605-14 shall include injunctive and declaratory relief, and other existing remedies. In addition, the attorney general may maintain a criminal action against any person who violates section 605-14, the penalties for which are set forth in section 605-17.

**Sec. 605-17 Penalties.** Any person violating sections 605-14 to 605-16 shall be guilty of a violation; but, upon any subsequent violation of the sections, the person shall be guilty of a misdemeanor.”

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.

SECTION 4. This Act shall take effect upon its approval.

(Approved May 3, 1975.)

## ACT 46

S.B. NO. 1158

A Bill for an Act Relating to Time of Hearing and Notice of Petition for Probate of Wills or for Letters of Administration.

*Be It Enacted by the Legislature of the State of Hawaii:*

\*Edited accordingly.

SECTION 1. Section 531-12, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 531-12 Time of hearing and notice of petitions for probate of wills or for letters of administration.** Upon filing of a petition for probate of a will or for letters of administration, the clerk of court shall fix the time of hearing thereon, which shall be not less than twenty nor more than thirty days after the date of the filing of the petition. Notice of the time and place of hearing on the petition shall be given by publication once in each of three successive weeks in such newspaper as the clerk may determine, the first publication to be not less than twenty days prior to the date of hearing; provided, that when in the opinion of the court the value of the estate does not exceed \$3,000 and no injustice will result to anyone, he may by order direct the clerk to shorten the time of the notice, or he may by order direct that the notice be given by posting as provided in the order instead of by publication. This section does not apply to petitions for the appointment of temporary administrators.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.  
(Approved May 6, 1975.)

A Bill for an Act Relating to Jury Trial in Probate Court.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 531, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 531-2 Jury trial, when.** Whenever the value of the estate of any deceased person exceeds \$3,000, any person claiming, before any circuit court sitting as a court of probate, the estate, or any part thereof, or any interest therein, by virtue of any will or testamentary devise, or by virtue of the statutes of descent of property in the State, who deems himself aggrieved by the decision of the court may, if any matter of fact is in issue, move that the issue of fact may be tried by a jury, and his motion shall not be denied. The motion shall be made not later than ten days after filing of the decision.

The judge who presided at the original hearing shall not preside at the trial before the jury.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.  
(Approved May 6, 1975.)

\*Edited accordingly.

## ACT 48

S.B. NO. 1469

A Bill for an Act Relating to Jurors.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 612-22, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 612-22 Jurors serve one year.** The persons whose names are placed on the certified lists filed by the jury commission shall be subject to service for one year from and after January 15 and until the filing of new certified lists; provided, that jurors may sit beyond the end of the period prescribed, (1) in the case of a trial jury for the trial of any case in which the selection of the jury commenced within said period, and (2) in the case of a grand jury for the completion of any matter in which such grand jury was impaneled within the said period; in all other cases until another grand jury is impaneled and sworn.”

SECTION 2. Section 612-17, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Not later than January 15 of each year, the clerk shall draw at random from the names on the certified list of trial jurors such number of trial jury panels as is deemed sufficient for the ensuing year, each panel to consist of eighteen names. When directed by the court, additional panels shall be drawn. The names and juror qualification forms for the prospective jurors on each panel shall be sealed in envelopes, one envelope for each panel. The envelopes shall remain sealed and in the custody of the clerk.”

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 4. This Act shall take effect upon its approval.

(Approved May 6, 1975.)

## ACT 49

H.B. NO. 277

A Bill for an Act Relating to Hawaii National Guard Uniform Maintenance Allowance for Enlisted Personnel.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. **Purpose.** The purpose of this Act is to increase the uniform maintenance allowance for enlisted personnel from 70 cents per day to \$1.50 per day based on the increased cost to launder and maintain uniform items required for training and to further provide this allowance when enlisted personnel are ordered to State active duty during any State declared

\*Edited accordingly.

emergency. The increased allowance will also facilitate the Hawaii national guard recruiting and retention efforts by providing an added incentive for enlistment.

SECTION 2. Section 121-41, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 121-41 Uniform maintenance allowance for enlisted personnel.** Enlisted personnel of the army or air national guard while participating in annual training or year-round training, when federal pay is authorized, or when ordered to state active duty in accordance with section 121-30, shall, except when actually called or ordered into the service of the United States by or under the authority of the President, receive a uniform maintenance allowance of \$1.50 per day from the State."

SECTION 3. There is appropriated out of general revenues of the State of Hawaii the sum of \$192,000.00, or so much thereof as may be necessary, to be expended by the department of defense for the 1975-77 biennium for the purposes of this Act.

SECTION 4. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 5. This Act shall take effect on July 1, 1975.

(Approved May 6, 1975.)

A Bill for an Act Relating to the Hawaii Occupational Safety and Health Law.  
*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 396-3, Hawaii Revised Statutes, is amended by amending the definition of "place of employment" to read:

"Place of employment" means any place, and the premises appurtenant thereto, where employment is carried on, except a place the exclusive safety jurisdiction over which is vested by law in any federal agency."

SECTION 2. Section 396-4, Hawaii Revised Statutes, is amended by amending subsection (d) to read:

"(d) Enforcement.

- (1) Whenever right of entry or inspection is refused to an authorized representative of the director, the department may apply to the circuit court of the circuit where such place of employment exists for a search warrant providing on its face that the willful interference with its lawful execution may be punished as a contempt of court.
- (2) Whenever the department finds that any employment or place of employment or the operation of any machine, device, apparatus, or

\*Edited accordingly.



equipment is not safe, or that any practice, means, method, operation, or process employed or used in connection therewith is unsafe or does not afford adequate protection to the life, safety and health of employees in the employment, the department shall make an order relative thereto which is necessary to render the employment or place of employment safe and protect the life and safety of employees therein and deliver the same to the employer. The department may in the order direct that, in the manner and within a time specified, such additions, repairs, improvements, or changes be made and such safety devices and safeguards be furnished, provided and used as are reasonably required to render the employment or place of employment safe. The employer shall obey and observe all safety orders and post said order at or near the place where the violation referred to in the order occurred.

- (3) Whenever in the opinion of the department the condition of any employment or place of employment, or the operation of any machine, device, apparatus, or equipment, or any practice, means, method, operation, or process employed or used, is in an unsafe condition or is not properly guarded or is dangerously placed, the use thereof shall be prohibited by the department, and an order to that effect shall be posted prominently in the working place. The order shall be removed: (A) when a determination has been made by the department that the place of employment, machine, device, apparatus, or equipment is made safe and the required safeguards or safety devices are provided for; and (B) by an authorized representative of the department.
- (4) Whenever in the opinion of the department the condition of any employment or place of employment, or the operation of any machine, device, apparatus, or equipment, or any practice, means, method, operation, or process employed or used constitutes an imminent hazard to the life or safety of any person, the department may apply to the circuit court of the circuit in which such place of employment, machine, device, apparatus, or equipment is situated or such practice, means, method, operation, or process is employed for an injunction restraining the use or operation thereof until the use or operation is made safe.  
The application to the circuit court accompanied by an affidavit showing that the use or operation exists in violation of an order of the department and constitutes an imminent hazard to the life or safety of any employee, and accompanied by a copy of the order applicable thereto, shall warrant, in the discretion of the court, the immediate granting of a temporary restraining order. No bond shall be required from the department as a prerequisite to the granting of a restraining order.
- (5) The director and his authorized agents shall have the same powers respecting the administering of oaths, compelling the attendance of witnesses, the production of documentary evidence, and examining

or causing to be examined witnesses as are possessed by a court, and may take depositions and certify to official acts. The circuit court of any circuit upon application by the director shall have power to enforce by proper proceedings the attendance and testimony of any witness so subpoenaed. Subpoena and witness fees and mileage in such cases shall be the same as in criminal cases in the circuit courts. Necessary expenses of or in connection with any such hearings or investigations shall be payable from the funds appropriated for expenses of administration of the department. No person shall be excused from attending or testifying or producing material, books, paper, correspondence, memoranda, and other records before the director or in obedience to subpoena on the grounds that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary, or otherwise, except that such individuals so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

- (6) Where a condition or practice in a place of employment could reasonably be expected to cause death or serious physical harm, the department shall have the right, independent of any other enforcement powers under this chapter, to: (A) immediately inform the employees and employers of such hazard by meeting, posted notice, or otherwise; (B) take steps to obtain immediate abatement of the hazard by the employer and where appropriate to initiate necessary legal proceedings to require such abatement.
- (7) The department may prosecute, defend and maintain actions in the name of the department for the enforcement of the provisions of this chapter, including the enforcement of any order issued by it, the appeal of any administrative or court decision, and other actions necessary to enforce this chapter."

SECTION 3. Section 396-9, Hawaii Revised Statutes, is amended by amending subsection (f) to read:

"(f) Unlawful use or possession. It shall be unlawful for any person to use any explosives unless he has a certificate of fitness or is using the explosives under the immediate supervision and direction of a holder of the certificate. It shall be unlawful for any person, other than a manufacturer or dealer, to have any explosives in his possession unless he has a permit therefor, or unless he has the explosives in his possession under the direction and for the purposes of a holder of the certificate.

Any person who violates this section shall be subject to arrest and upon conviction, shall be fined not more than \$1000 or imprisoned not more than one year, or both, provided that an employer or an employee acting within the scope of employment shall not be deemed to be in violation of this section."

SECTION 4. Section 396-10, Hawaii Revised Statutes, is amended by amending subsection (1) to read:

“(1) Notice of violation. When an alleged violation of any provision of this chapter or any rule or regulation promulgated thereunder has occurred, the department shall promptly issue a written order to the employer who shall be required to post said order prominently at or near the place where the violation occurred. Said order shall include the abatement requirements and within a reasonable time the employer shall be advised of the proposed sanctions.”

SECTION 5. Section 396-11, Hawaii Revised Statutes, is amended to read:

“**Sec. 396-11 Appeals.** Any proposed penalty or any order of the director issued under this chapter shall be final and conclusive against the employer unless the employer, within twenty days after a copy of such proposed penalty or order is received by him, petitions the appeals board for a review thereof. Any employee or his representative may, within the twenty-day period after an order for abatement of a violation is posted, file an appeal alleging that the time fixed in such order is unreasonable. After hearing, the appeals board may set aside the proposed penalty or order or continue it upon such terms and conditions as may be deemed necessary. The employees or their representatives shall have the right to participate in all hearings.”

SECTION 6. Section 396-12, Hawaii Revised Statutes, is amended to read:

“**Sec. 396-12 Judicial review.** The decision of the appeals board shall be final and conclusive unless the director or any party to the proceedings before the appeals board obtains a review thereof in the manner provided in chapter 91 by instituting proceedings in the circuit court of the circuit in which the place of employment, machine, device, apparatus, or equipment is situated or such practice, means, method, operation, or process is employed. The hearing on review shall be on the record and the department shall be deemed a party to any such proceedings. The court shall give precedence to such proceedings over all other civil cases.”

SECTION 7. Section 396-13, Hawaii Revised Statutes, is amended to read:

“**Sec. 396-13 Trade secrets.** Information obtained by the department containing or revealing a trade secret shall be held confidential and access shall be limited to authorized representatives of the director concerned with carrying out this chapter or when relevant in any proceeding under this chapter. In such proceeding the director, the appeals board, or the court shall issue such orders as may be appropriate to protect the confidentiality of trade secrets.”

SECTION 8. Statutory material to be repealed is bracketed. New mate-

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rial is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 9. This Act shall take effect upon its approval.

(Approved May 6, 1975.)

ACT 51

H.B. NO. 419

A Bill for an Act Relating to Prepaid Health Care.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 393-6, Hawaii Revised Statutes, is amended to read:

**"Sec. 393-6 Principal and secondary employer defined; coercion, interference, etc. prohibited.** If an individual is concurrently a regular employee of two or more employers as defined in this chapter, the principal employer shall be the employer who pays him the most wages; provided that if one of the employers, who does not pay the most wages, employs the regular employee for at least thirty-five hours per week, the employee shall determine which of the employers shall be his principal employer. His other employers are secondary employers. An employer so designated as the principal employer shall remain as such principal employer for one year or until change of employment, whichever is earlier.

If an individual is concurrently a regular employee of a public entity which is not an employer as defined in section 393-3 and of an employer as defined in section 393-3 the latter shall be deemed to be a secondary employer.

An employer who, directly or indirectly, interferes with or coerces or attempts to coerce an employee in making a determination under this section shall be subject to the penalty provided under subsection 393-33(b)."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 6, 1975.)

ACT 52

H.B. NO. 442

A Bill for an Act Relating to Taxation of Banks and Other Financial Corporations.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 241-4, Hawaii Revised Statutes, is amended by amending subsection (b) to read:

\*Edited accordingly.

“(b) The “entire net income from all sources” shall be determined in the same manner as the “taxable income” of a corporation, as provided by chapter 235, with the following changes and adjustments:

- (1) There is included in gross income interest received upon the obligations of the United States or its possessions, or upon securities issued under the authority of an act of Congress, or upon state, territorial, municipal, county, or other bonds or securities whether or not the income from such obligations, bonds, or securities, is tax free. Section 235-7(a) (1), (6), and (7) do not apply.
- (2) Section 235-7(c), (d), and (e) do not apply.
- (3) In lieu of section 235-4, it is provided that there shall be excluded the gross income from property owned, trade or business carried on, and other sources outside the State.
- (4) Section 235-5 does not apply. The income excluded pursuant to paragraph (3) shall be determined by an allocation and separate accounting. Losses from property owned outside the State and from other sources outside the State shall not be deducted. Reserves shall be allocated to the State by the application of a fraction, the numerator of which consists of the gross income included in determining the “entire net income from all sources” pursuant to this chapter and the denominator of which consists in the gross income similarly ascertained but without regard to whether from sources within or without the State.
- (5) Deductions connected with income which by this chapter is required to be included in the computation of net income shall be allowed, but deductions connected with income which by this chapter is not to be included in the computation of net income shall not be allowed. Section 235-7(e) (1) does not apply.
- (6) One half of such amount of capital gain as, under the Internal Revenue Code, is entitled to the alternative tax treatment, is deductible in the determination of net income.
- (7) Section 166 of the Internal Revenue Code does not apply, except the provisions as to the basis for determining the amount of the deduction for a bad debt. Section 593 of the Internal Revenue Code does not apply. In lieu of the cited sections of the Internal Revenue Code, debts ascertained to be worthless and charged off on the books of the taxpayer within the income year may be deducted, or in the discretion of the department of taxation a reasonable addition to a reserve for bad debts; provided, that when satisfied that a debt is recoverable only in part, the department may allow the debt to be charged off in part.
- (8) Federal income taxes upon income derived or received from sources in the State may be deducted.
- (9) In the case of any life insurance company (as defined by the Internal Revenue Code), which is determined to be a financial corporation as defined by this chapter, sections 802, 804, and 818 of the Internal Revenue Code do not apply. The total of the deductions allowed by

sections 805 and 812 of the Internal Revenue Code shall not exceed the amount of the required interest, as defined by section 805, subsections (c) and (d) of the Internal Revenue Code.

- (10) In the case of the sale or exchange of a bond, debenture, note, or certificate or other evidence of indebtedness, section 433(a) and (b) of Public Law 91-172 shall apply.”

SECTION 2. New material is underscored. In printing this Act, the revisor of statutes need not include the underscoring.\*

SECTION 3. This Act, upon its approval, shall take effect on January 1, 1975.

(Approved May 6, 1975.)

ACT 53

H.B. NO. 856

A Bill for an Act Relating to Real Property Tax Rates.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 248-2, Hawaii Revised Statutes, is amended by amending subsection (b) to read:

“(b) The board of supervisors or the city council of each county shall determine the tax rates for buildings and for all other real property, exclusive of buildings, for each category of property established in accordance with subsection 246-10(d); provided that the board or council shall determine a single tax rate to be applied to net taxable real property within category I. Such rates shall be determined for each tax year, by resolution adopted in the manner provided by law relating to resolutions involving the expenditure of public money; provided that after introduction of the resolution and before final action on the same, a public hearing shall be held thereon after publication of notice thereof in a newspaper of general circulation in the county in which the rates are to be fixed, which notice shall be published not less than ten days before the hearing and shall set forth the tax rates under consideration by the board or council; and provided further, that upon the final reading, subsequent to the public hearing of any resolution for the adoption of such rates, the board of supervisors or the city council may fix such rates at an amount differing from that originally proposed or under consideration when the notice of public hearing was published. The resolution fixing the tax rates in each county shall be adopted on or before October 26 of the tax year for which property tax revenues are to be raised.”

SECTION 2. Section 248-2, Hawaii Revised Statutes, is amended by amending subsection (c) to read:

“(c) The board of supervisors or the city council of each county shall determine the tax rates applicable in the county using the following method:

\*Edited accordingly.

- (1) The net taxable real property of each category shall be divided by the net taxable real property for the county to determine the percentage of revenue to be raised from each category;
- (2) The percentage of revenue to be raised from each category shall be multiplied by the total revenue to be raised from real property in the county in order to determine the amount of revenue to be derived from each category;
- (3) The net taxable buildings within categories II, III and IV, respectively, shall be multiplied by the applicable building tax factor and the product thereof divided by the modified net taxable value of real property in that category which quotient shall be multiplied by the amount of revenue to be raised from that category in order to determine the amount of revenue to be raised from the tax on net taxable buildings which amount shall be divided by the net taxable value of buildings in that category to determine the tax rate which shall be expressed in terms of tax per \$1,000 of net taxable buildings computed to the nearest cent;
- (4) The net taxable lands within categories II, III and IV, respectively, shall be divided by the modified net taxable value of real property in that category which quotient shall be multiplied by the amount of revenue to be raised from that category in order to determine the amount of revenue to be raised from the tax on net taxable lands which amount shall be divided by the net taxable value of lands in that category to determine the tax rate which shall be expressed in terms of tax per \$1,000 of net taxable lands computed to the nearest cent;
- (5) The amount of revenue to be raised from net taxable real property within category I, shall be divided by the net taxable real property in category I to determine the tax rate which shall be expressed in terms of tax per \$1,000 of net taxable real property computed to the nearest cent."

SECTION 3. Section 248-2, Hawaii Revised Statutes, is amended by amending subsection (f) to read:

"(f) The director of taxation shall on or before October 5 of the tax year furnish each board and council with a calculation certified by him as being as nearly accurate as may be, of the net taxable real property within the county, separately stated for each category established in accordance with subsection 246-10(d) for net taxable lands and for net taxable buildings plus such additional data relating to the property tax base as may be necessary."

SECTION 4. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.\*

\*Edited accordingly.

SECTION 5. This Act, upon its approval, shall take effect on July 1, 1975.

(Approved May 6, 1975.)

A Bill for an Act Relating to Convicted Persons.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Subsection (b) of Section 731-3.1, Hawaii Revised Statutes, is amended by adding a new paragraph (4) to read as follows:

(b) The following criminal records shall not be used, distributed, or disseminated by the State or any of its political subdivisions or agencies in connection with an application for any said employment, permit, license, registration, or certificate:

- (1) Records of arrest not followed by a valid conviction;
- (2) Convictions which have been annulled or expunged;
- (3) Convictions of a penal offense for which no jail sentence may be imposed;
- (4) Conviction of a misdemeanor in which the period of twenty years has elapsed since date of conviction and during which elapsed time there has not been any subsequent arrest or conviction.

Except as provided in paragraphs (1) to (4), the State or any of its political subdivisions or agencies may consider as a possible justification for the refusal, suspension, or revocation of any employment or of any permit, license, registration, or certificate, any conviction of a penal offense when such offense directly relates (i) to the applicant's possible performance in the job applied for, or (ii) to the employee's possible performance in the job which he holds, or (iii) to the applicant's or holder's possible performance in the occupation, trade, vocation, profession, or business for which a permit, license, registration, or certificate is applied for or held.

For the purpose of this subsection, such refusal, suspension, or revocation may occur only when the agency determines, after investigation in accordance with chapter 91, that the person so convicted has not been sufficiently rehabilitated to warrant the public trust; provided that discharge from probation or parole supervision, or a period of two years after final discharge or release from any term of imprisonment, without subsequent criminal conviction, shall be deemed rebuttable prima facie evidence of sufficient rehabilitation.

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 6, 1975.)

\*Edited accordingly.



A Bill for an Act Relating to Intoxicating Liquor.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Whereas present, pending or future sound control laws may put an obligation on owners of liquor licenses, of which they are not fully aware, the following changes shall be made to put them on notice as to the nature of those obligations and to insure greater protection of the public.

SECTION 2. Section 281-51, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 281-51 Prior inspection.** No license shall be issued under this chapter unless and until the liquor commission has caused to be made a thorough inspection of the premises upon which the proposed business is to be conducted and is satisfied as to its fitness and that all other general conditions and proposed methods of operation under the license are such as are suitable for carrying on the business in a reputable way. “In a reputable way” includes among other considerations operating in such a manner that activities within the premises or in such adjacent related outdoor areas such as parking lots or lanais will not create noise in excess of standards contained in state or county noise or vibration codes which intrudes into nearby residential units.”

SECTION 3. Section 281-55, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 281-55 Reference to inspector.** Upon the filing of any application the secretary of the liquor commission shall indorse thereon the date of filing thereof. If no patent disqualification of the applicant or certain valid objection to the granting of the application is apparent initially and if all requirements relative to the filing of the application appear to have been complied with, the application shall be referred to the inspector for investigation.”

SECTION 4. Section 281-56, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 281-56 Report by inspector.** On every application referred to him under section 281-55 the inspector shall report in writing to the liquor commission and, if the application is for a license of any class other than class 7, class 8, or class 9, such report shall show:

- (1) A description of the premises intended to become the licensed premises, and the equipment and surrounding conditions including the relationship to surrounding residences which may share a common boundary or a common structure with the premises proposed for licensing;
- (2) If the application is made by a person who has held a prior license for the same or any other premises within two years past, a statement as to the manner in which the premises have been operated and the business conducted under the previous license;
- (3) The locality of any church, chapel, or school, if any, within a dis-

tance of five hundred feet from the nearest point of the premises for which the license is asked to the nearest point of the church, chapel or school grounds;

- (4) The number, position, and distance from the premises, in respect of which a license is applied for, of any other licensed premises of the same class in the neighborhood;
- (5) The number of licenses of the same class or kind already issued and being lawfully exercised within the county;
- (6) Whether or not in the opinion of the inspector the applicant is a fit and proper person to have a license;
- (7) Whether or not the applicant is for any reason disqualified by this chapter from obtaining or exercising a license; and whether or not he has complied with all the requirements of this chapter relative to the making and filing of his application;
- (8) Any and all other matters and things which in the judgment of the inspector pertain to or affect the matter of the application or the issuance or the exercise of the license applied for.

A copy of the report shall be furnished the applicant not less than forty-eight hours before any hearing is had upon the application."

SECTION 5. Section 281-57, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 281-57 Notice.** Upon the filing of the inspector's report upon any application the liquor commission may hold a preliminary hearing and upon such preliminary hearing it may deny the application. If no preliminary hearing is had or if the application is not denied upon a preliminary hearing, the commission shall fix a day for the public hearing of the application (other than an application for an alcohol license or a license in classes 7 to 10 and shall publish notice of the hearing at least once in each of two consecutive weeks (two insertions) in some newspaper published in the English language in the county (or if there be none such then in the city and county of Honolulu) having a general circulation in the county, the date of the hearing to be not less than twenty-one days after the first publication. The notice shall require that all protests or objections against the issuance of the license applied for shall be filed with the secretary of the commission at or before the time of hearing. Before making such publication the commission shall collect from the applicant the cost of making the publication or require a deposit to cover the same.

Immediately upon the commission's fixing a day for the public hearing of the application, the applicant shall mail a notice setting forth the time and place of the hearing on the application to not less than two-thirds of the persons being the owners or lessees holding under recorded leases, of real estate situated within a distance of five hundred feet from the nearest point of the premises for which the license is asked to the nearest point of such real estate, not less than twenty-one days prior to the date set for the hearing of the application; and before the hearing the applicant shall file with the commission an affidavit as to such mailing of notice. Notice by mail may be addressed to the last known address of the person concerned or to the address

as shown in the last tax return filed by him or his agent or representative. In addition, for each condominium project within the affected area, one notice of the hearing shall be sent by mail addressed "To the Residents, Care of the Manager", followed by the name and address of the condominium involved."

SECTION 6. Section 281-61, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 281-61 Renewals.** Other than for good cause the renewal of an existing license shall be granted upon the filing of an application; provided that if complaints from the public and reports from the commission's inspectors indicate that noise from the premises or adjacent related outdoor areas such as parking lots or lanais exceed standards contained in state or county noise or vibration codes and intrudes into nearby residential units, the commission may in its discretion withhold the issuance of a renewed license until corrective measures are taken."

SECTION 7. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 8. This Act shall take effect upon approval.

(Approved May 7, 1975.)

## ACT 56

S.B. NO. 959

A Bill for an Act Relating to Take-Over Bid Disclosures.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 417E-1, Hawaii Revised Statutes, is amended by amending the definition of "take-over bid" to read:

- (7) "Take-over bid" means an offer, other than an exempt offer, made by an offeror directly or through an agent by advertisement or any other written or oral communication to offerees to purchase such number of shares or other units of any class of equity security of the offeree company that, together with the offeror's presently-owned shares or other units, will in the aggregate exceed ten per cent of the outstanding shares or other units of such class of equity security."

SECTION 2. Section 417E-1, Hawaii Revised Statutes, is amended by amending the definition of "exempt offer" to read:

- "(8) "Exempt offer" means with respect to any class of equity securities of the offeree company (a) an isolated offer to purchase shares from individual stockholders and not made to stockholders generally, (b) an offer made by corporation to purchase (i) its own shares or (ii) shares of a subsidiary at least fifty-one per cent of the voting stock of

\*Edited accordingly.

which is directly or indirectly owned beneficially by the parent corporation, (c) an offer to acquire shares of a corporation with less than one hundred shareholders, and (d) an offer to acquire shares of a corporation with less than \$1,000,000 in assets.”

SECTION 3. Section 417E-1, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read:

“(10) “Offeror’s presently owned shares or other units” means the aggregate number of shares or other units of an offeree company (a) beneficially owned, and (b) subject to a right of acquisition, directly or indirectly, on the date of a take-over bid, by (i) the offeror, and (ii) each associate of the offeror.”

SECTION 4. Section 417E-3, Hawaii Revised Statutes, is amended by amending subsection (c) to read:

“(c) An application for registration of a take-over bid shall contain the following information and such other information as the commissioner prescribes:

- (1) The name, nationality, address and business experience of the offeror and each associate of the offeror, and the name and address of the offeree company;
- (2) The terms and conditions of the take-over bid, which shall include the applicable provisions of section 417E-2, and a statement of the aggregate consideration the offeror may become bound to pay;
- (3) The source and amount of the funds or other consideration used or to be used in making the take-over bid, and if any part of such funds or consideration is represented or is to be represented by funds or other consideration borrowed or otherwise obtained for the purpose of making such bid, a description of the transaction and the names of the parties thereto;
- (4) Any plans to sell or mortgage any assets of the offeree company to finance the take-over bid;
- (5) Any plans or proposals that the offeror may have to liquidate the offeree company, to sell its assets to or merge it with any other person, or to make any other material change in its business or corporate structure;
- (6) The number of shares for which the take-over bid is made which are owned directly or indirectly by the offeror and each associate of the offeror;
- (7) Any information as to any contracts, arrangements, or understandings with any person with respect to any securities of the offeree company, including but not limited to transfer of any of the securities, joint ventures, loan or option arrangements, puts or calls, guaranties of loans, guaranties against loss or guaranties of profits, division of losses or profits, or the giving or withholding of proxies, naming the persons with whom such contracts, arrangements, or understandings have been entered into, and giving the details thereof;

- (8) Complete information on the organization of the offeror, including without limitation the year of organization, form of organization, jurisdiction in which it is organized, a description of each class of the offeror's capital stock and of its long term debt, financial statements for the current period and for the three most recent annual accounting periods, a brief description of the location and general character of the principal physical properties of the offeror and its subsidiaries, a description of pending legal proceedings other than routine litigation to which the offeror or any of its subsidiaries is a party or of which any of their property is subject, a brief description of the business done and projected by the offeror and its subsidiaries and the general development of such business over the past five years, the names of all directors and executive officers together with biographical summaries of each for the preceding five years to date, and the approximate amount of any material interest, direct or indirect, of any of the directors or officers in any material transaction during the past three years, or in any proposed material transactions to which the offeror or any of its subsidiaries was or is to be a party;
- (9) Material information concerning the identity and background of any offeror who is not a corporation, including his material business activities and affiliations during the past three years and a description of any pending legal or administrative proceedings in which the offeror is a party;
- (10) A statement as to whether any filing with respect to the take-over bid has been made pursuant to the laws of the United States or of any other State or territory thereof, and if so, a true copy of each such filing shall accompany the application."

SECTION 5. Section 417E-3, Hawaii Revised Statutes, is amended by amending subsection (e) to read:

"(e) At the time of filing the application for registration as prescribed in this section, the applicant shall pay to the commissioner a fee of one-tenth of one percent of the aggregate consideration which the offeror is bound to pay for the equity securities for which a take-over bid is proposed to be made, but not less than \$200 nor more than \$1,000."

SECTION 6. Section 417E-9, Hawaii Revised Statutes, is amended by amending subsection (c) to read:

"(c) No suit shall be maintained to enforce any liability created under this section unless brought within two years after the transaction upon which it is based; provided that if any person liable by reason of subsection (a) or (b) makes a written offer, before suit is brought, to return the shares taken up pursuant to the take-over bid, together with all dividends received thereon, upon the tender of the consideration received from the offeror, no offeree shall maintain a suit under this section who shall have refused or failed to accept such offer within ninety days of its receipt."

SECTION 7. Section 417E-12, Hawaii Revised Statutes, is amended to read:

**“Sec. 417E-12 Appeals to circuit court, first circuit; time; bonds; costs; decree; further appeal.** An appeal may be taken by any aggrieved person from any final order of the commissioner to the circuit court of the first circuit in the manner provided in chapter 91. The appellant shall execute a bond in the penal sum of \$1,000 to the State, with sufficient surety, to be approved by the commissioner or the court, conditioned upon the faithful prosecution of the appeal to final judgment, and the payment of all such costs as shall be adjudged against the appellant. The review on appeal shall be conducted by the court without a jury, and, except as otherwise provided in section 91-14, shall be confined to the record. An appeal may be taken from the judgment of the circuit court to the supreme court.”

SECTION 8. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 9. This Act shall take effect upon its approval.

(Approved May 7, 1975.)

ACT 57

S.B. NO. 1560

A Bill for an Act Relating to the Powers of the Office of Consumer Protection.  
*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 487-5, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 487-5 General functions, powers and duties of the office.** The director of the office of consumer protection is hereby designated the consumer counsel for the State and shall represent and protect the State, the respective counties, and the general public as consumers. The office of consumer protection shall have the following functions, powers and duties:

- (1) Coordinate the consumer protection activities of all departments, divisions and branches of state government, and of branches of the county government concerned with consumer protection;
- (2) Assist, advise and cooperate with federal, state and local agencies and officials to protect and promote the interests of the consumer public;
- (3) Conduct investigations, research, studies and analysis of matters and take appropriate action affecting the interests of consumers;
- (4) Study the operation of laws affecting consumers and recommend to the governor and the Legislature, new laws and amendments of laws in the consumers' interest;
- (5) Adopt rules pursuant to chapter 91 interpreting section 480-2; provided that in adopting rules, due consideration shall be given to the rules, regulations and decisions of the Federal Trade Commission

\*Edited accordingly.

and the federal courts in interpreting section 5(a) (1) of the Federal Trade Commission Act (15 U.S.C. 45(a) (1)), as from time to time amended;

- (6) Investigate reported or suspected violations of laws enacted, and rules and regulations promulgated for the purpose of consumer protection and shall enforce such laws, rules and regulations;
- (7) Organize and hold conferences on problems affecting consumers; and undertake activities to encourage business and industry to maintain high standards of honesty, fair business practices, and public responsibility in the production, promotion and sale of consumer goods and services;
- (8) Provide a central clearinghouse of information by collecting and compiling all consumer complaints and inquiries;
- (9) Organize, promote and conduct consumer education programs within the State;
- (10) Appear before governmental commissions, departments and agencies to represent and be heard on behalf of consumers' interest;
- (11) Contract with other county, state or federal governmental agencies, with nonprofit social services societies, or with private nonprofit trade, professional, or business organizations which were in existence for more than five years prior to June 3, 1974, for the performance of any of the functions of the office not involving the enforcement of rules and regulations for the purpose of consumer protection under this section, or the extension of any power or authority under section 487-11, within the budget limitations for any period not exceeding a budget year, provided, however, that the purposes and policies of this chapter are in no way diluted, abridged, misdirected, or destroyed;
- (12) Perform such other acts as may be incidental to the exercise of the functions, powers and duties set forth in this section."

SECTION 2. Section 480-20, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 480-20 Duty of the attorney general; duty of the county attorney, etc.** (a) The attorney general shall enforce the criminal and civil provisions of this chapter. The county attorney of any county, the prosecuting attorney and the corporation counsel of the city and county shall investigate and report suspected violations of this chapter to the attorney general.

(b) Whenever this chapter authorizes or requires the attorney general to commence any action or proceeding, including proceedings under section 480-18, the attorney general may require the county attorney, prosecuting attorney, or corporation counsel, of any county or city and county, holding office in the circuit where the action or proceeding is to be commenced or maintained, to maintain the action or proceeding under the direction of the attorney general.

(c) The director of the office of consumer protection shall have concurrent jurisdiction with the attorney general to enforce the civil provisions of this chapter with regard to violations of section 480-2."

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 4. This Act shall take effect upon its approval.

(Approved May 7, 1975.)

ACT 58

S.B. NO. 1645

A Bill for an Act Making Appropriations for Salaries and Other Adjustments, Including Cost Items of Collective Bargaining Agreements Covering Public Employees and Officers.

*Be It Enacted by the Legislature of the State of Hawaii:*

PART I

SECTION 1. There is appropriated or authorized, as the case may be, the sum of \$25,934,382 in general fund, \$2,243,025 in federal funds and \$2,924,762 in special and other funds for the fiscal year 1975-1976 and of \$39,923,748 in general fund, \$3,318,399 in federal funds and \$4,059,749 in special and other funds for the fiscal year 1976-1977 to Program Planning, Analysis, Budgeting (BUF 101), to fund all collective bargaining cost items in the contracts negotiated with the exclusive bargaining representatives of bargaining units 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 13 and salary increases and other adjustments for other officers and employees excluded from bargaining units 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 13.

SECTION 2. The funds appropriated or authorized by this part shall be allotted by the director of finance for the purposes of this part. Increases for any officer and employee for whom a salary increase is provided by this part and whose compensation is paid, in whole or in part, from federal, special and other funds shall be paid from the respective funds.

SECTION 3. Any provision of law to the contrary notwithstanding, except the provisions of this Act, the governor is authorized to utilize such sums as provided in this Act for salary increases for employees who are excluded from any bargaining unit enumerated in chapter 89, Hawaii Revised Statutes, provided that the granting of such increases shall not result in excluded employees receiving, in fiscal year 1975-1976, total increases greater than those received by members of the unit nor in such increases taking effect earlier than increases received by members in the unit.

SECTION 4. Funds appropriated or authorized under this part that are not expended or encumbered by June 30, 1976 for FY 1975-1976 fund authorization, and are not expended or unencumbered by June 30, 1977, for FY 1976-1977 fund authorization, shall lapse as of the respective dates.

\*Edited accordingly.



## PART II

SECTION 5. Section 26-51, Hawaii Revised Statutes, is amended to read:

**"Sec. 26-51 Governor; lieutenant governor.** Effective July 1, 1975, the salary of the governor of the State shall be \$46,000 a year. Effective January 1, 1976, the salary of the governor of the State shall be \$50,000 a year. Effective July 1, 1975, the salary of the lieutenant governor shall be \$41,400 a year. Effective January 1, 1976, the salary of the lieutenant governor shall be \$45,000 a year."

SECTION 6. Section 26-52, Hawaii Revised Statutes, is amended to read:

**"Sec. 26-52 Department heads and executive officers.** The salaries of the following state officers are fixed at the following annual rates:

- (1) The salary of the superintendent of education shall be set by the board of education. Effective July 1, 1975, the salary shall be not more than \$39,100 a year. Effective January 1, 1976, the salary shall be not more than \$42,500 a year.
- (2) The salary of the president of the University of Hawaii shall be set by the board of regents. Effective July 1, 1975, the salary shall be not more than \$41,400 a year. Effective January 1, 1976, the salary shall be not more than \$45,000 a year.
- (3) The salaries of all department heads or executive officers of the departments of accounting and general services, agriculture, attorney general, budget and finance, Hawaiian home lands, health, labor and industrial relations, land and natural resources, personnel services, planning and economic development, regulatory agencies, social services and housing, taxation and transportation shall be set by the appointing authority. Effective July 1, 1975, their salaries shall be not more than \$39,100 a year. Effective January 1, 1976, their salaries shall be not more than \$42,500 a year.
- (4) Effective July 1, 1975, the salary of the adjutant general shall be not more than \$39,100 a year. Effective January 1, 1976, the salary shall be not more than \$42,500 a year. If the maximum rate is in conflict with the pay and allowance fixed by the tables of the regular army of the United States, the latter shall prevail."

SECTION 7. Section 26-53, Hawaii Revised Statutes, is amended to read:

**"Sec. 26-53 Deputies or assistants to department heads.** The salaries of first and second deputies or first and second assistants to the head of any department of the State shall be set by the director or executive officer concerned. Effective July 1, 1975, the salaries of first deputies or first assistants shall be not more than \$36,800 a year, and the salaries of second deputies or second assistants shall be not more than \$34,500 a year. Effective January 1, 1976, the salaries of first deputies or first assistants shall be not more than \$40,000 a year, and the salaries of second deputies or second assistants shall

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be not more than \$37,500 a year.”

SECTION 8. Section 26-54, Hawaii Revised Statutes, is amended to read:

“**Sec. 26-54 Administrative director of the State.** The salary of the administrative director of the State shall be set by the governor. Effective July 1, 1975, the salary of the administrative director of the State shall be not more than \$39,100 a year. Effective January 1, 1976, the salary of the administrative director of the State shall be not more than \$42,500 a year.”

SECTION 9. Section 28-26, Hawaii Revised Statutes, is amended to read:

“**Sec. 28-26 Salaries, fees.** The salary of the sheriff shall be set by the attorney general. Effective July 1, 1975, the sheriff’s salary shall be not more than \$16,100 a year. Effective January 1, 1976, the sheriff’s salary shall be not more than \$17,500 a year. Effective July 1, 1975, the salary of the first deputy sheriff shall be set by the attorney general and shall not be more than \$13,800 a year. Effective January 1, 1976, the salary of the first deputy sheriff shall be set by the attorney general and shall not be more than \$15,000 a year.

The sheriff’s deputies, other than the first deputy, shall receive in full payment of their services only such fees as prescribed by law; provided that the legally prescribed fees for such services of summons, subpoena, attachment, execution, or other civil process of court as provided by sections 607-4 and 607-8, shall belong to the sheriff, deputy sheriff or other officer making such service.”

SECTION 10. Section 29-1, Hawaii Revised Statutes, is amended to read:

“**Sec. 29-1 Establishment of office.** There shall be in Washington, District of Columbia, a Hawaii office of federal programs coordinator. The office shall be headed by a coordinator who shall be appointed and removed by the governor, not subject to chapters 76, 77 and 89. The salary of the federal programs coordinator shall be set by the governor. Effective July 1, 1975, the salary shall be not more than \$29,900 a year. Effective January 1, 1976, the salary shall be not more than \$32,500 a year. The coordinator shall appoint necessary staff, within available appropriations, not subject to chapters 76, 77 and 89. The coordinator and his staff shall be included in any benefit program generally applicable to the officers and employees of the State.

The office is placed within the department of budget and finance for administrative purposes.”

SECTION 11. Section 89-5(a), Hawaii Revised Statutes, is amended to read:

“**Sec. 89-5 Hawaii public employment relations board.** (a) There is created a Hawaii public employment relations board composed of three members of which (1) one member shall be representative of management, (2) one member shall be representative of labor, and (3) the third member, the chairman, shall be representative of the public. All members shall be appointed by

the governor for terms of six years each, except that the terms of members first appointed shall be for four, five, and six years respectively as designated by the governor at the time of appointments. Public employers and employee organizations representing public employees may submit to the governor for consideration names of persons representing their interests to serve as members of the board and the governor shall first consider these persons in selecting the members of the board to represent management and labor. Each member shall hold office until his successor is appointed and qualified. Because cumulative experience and continuity in office are essential to the proper administration of this chapter, it is declared to be in the public interest to continue board members in office as long as efficiency is demonstrated, notwithstanding the provision of section 26-34, which limits the appointment of a member of a board or commission to two terms.

The members shall devote full time to their duties as members of the board. The salary of the chairman of the board shall be the same as the salary of a circuit court judge. Each of the other members shall be paid a salary at a rate of ninety-five per cent of the chairman's salary. No member shall hold any other public office or be in the employment of the State or a county, or any department or agency thereof, or any employee organization during his term.

Any action taken by the board shall be by a simple majority of the members of the board. All decisions of the board shall be reduced to writing and shall state separately its findings of fact and conclusions. Three members of the board, consisting of the chairman, at least one member representative of management, and at least one member representative of labor, shall constitute a quorum. Any vacancy in the board shall not impair the authority of the remaining members to exercise all the powers of the board. The governor may appoint an acting member of the board during the temporary absence from the State or the illness of any regular member. An acting member, during his term of service, shall have the same powers and duties as the regular member.

The chairman of the board shall be responsible for the administrative functions of the board. The board may appoint an executive officer, mediators, members of fact-finding boards, arbitrators, and hearing officers, and employ other assistants as it may deem necessary in the performance of its functions, prescribe their duties, and fix their compensation and provide for reimbursement of actual and necessary expenses incurred by them in the performance of their duties within the amounts made available by appropriations therefor.

The board shall be within the department of labor and industrial relations for budgetary and administrative purposes only. The members of the board and employees other than clerical and stenographic employees shall be exempt from chapters 76 and 77. Clerical and stenographic employees shall be appointed in accordance with chapters 76 and 77.

At the close of each fiscal year, the board shall make a written report to the governor of such facts as it may deem essential to describe its activities, including the cases and their dispositions, and the names, duties, and salaries of its officers and employees. Copies of the report shall be transmitted to the

legislative bodies and to the public management committee.”

SECTION 12. Section 218-2, Hawaii Revised Statutes, is amended to read:

“Sec. 218-2 Establishment of marine affairs coordinator. The position of marine affairs coordinator is established in the office of the governor. The governor shall appoint and remove the coordinator, who shall not be subject to chapters 76, 77 and 89. The salary of the coordinator shall be set by the governor. Effective July 1, 1975, the salary shall be not more than \$29,900 a year. Effective January 1, 1976, the salary shall be not more than \$32,500 a year. The coordinator shall be included in any benefit program generally applicable to the officers and employees of the State.”

SECTION 13. All specific references to deputy district superintendent I, deputy district superintendent II, district superintendent I, district superintendent II, and assistant superintendent in section 297-32, Hawaii Revised Statutes, are deleted.

SECTION 14. A new section is added to part III, chapter 297, Hawaii Revised Statutes, to be appropriately designated and to read:

“Sec. - Salary: assistant superintendents, district superintendents, deputy district superintendents. The salaries of assistant superintendents, district superintendents, and deputy district superintendents shall be set by the board. Effective July 1, 1975, the salaries of assistant superintendents and district superintendents shall be not more than \$34,500 a year and the salaries of deputy district superintendents shall be not more than \$32,200 a year. Effective January 1, 1976, the salaries of assistant superintendents and district superintendents shall be not more than \$37,500 a year, and the salaries of deputy district superintendents shall be not more than \$35,000 a year.”

SECTION 15. Section 297-33(i), Hawaii Revised Statutes, is amended to read:

“(i) Effective September 1, 1975, per diem rates for substitute teachers shall be based on the annual salary rate established for appropriate salary range and step on the most current teachers’ salary schedule as follows:

Class I	Substitute Teacher .....	Salary Range 1, Step 1
Class II	Substitute Teacher .....	Salary Range 3, Step 1
Class III	Substitute Teacher .....	Salary Range 5, Step 1

Per diem rates shall be derived from annual rates in accordance with the following formula:

$$\text{Per Diem Rate} = \frac{\text{Annual Salary Rate}}{12 \text{ months}} \div 21 \text{ Average Working Days Per Month}$$

Substitute teachers shall be classified as follows:

- (1) A Class I substitute teacher is a substitute teacher who holds a certificate issued by the department and who does not qualify as a Class II or Class III substitute teacher, as described below.
- (2) A Class II substitute teacher is a substitute teacher who holds a certificate issued by the department based on a baccalaureate degree

and other requirements as may be established by the department.

- (3) A Class III substitute teacher is a substitute teacher who holds a certificate issued by the department based on five acceptable years of college education and other requirements as may be established by the department.”

SECTION 16. Section 312-2.1, Hawaii Revised Statutes, is amended to read:

“**Sec. 312-2.1 State librarian; salary.** The state librarian, under the direction of the superintendent of education, shall be responsible for the operation of all school and public libraries within the State. Notwithstanding any other law to the contrary, the salary of the state librarian shall be set by the board of education and shall be the same as that of an assistant superintendent of education.”

SECTION 17. Section 314-10, Hawaii Revised Statutes, is amended to read:

“**Sec. 314-10 Executive director and staff.** The board shall appoint an executive director subject to the approval of the governor who shall not be subject to chapters 76, 77 and 89. The board shall determine the salary of the executive director which, effective July 1, 1975, shall not be more than \$29,900 a year and effective January 1, 1976, shall not be more than \$32,500 a year.”

SECTION 18. Section 371-4(a), Hawaii Revised Statutes, is amended to read:

“**Sec. 371-4 Labor and industrial relations appeals board.** (a) There is created a labor and industrial relations appeals board composed of three members nominated and, by and with the advice and consent of the senate, appointed by the governor for terms of ten years each, except that the terms of the members first appointed shall be for six, eight and ten years respectively as designated by the governor at the time of appointments. The governor shall designate the chairman of the board who shall be an attorney at law licensed to practice in all of the courts of this State. Each member shall hold office until his successor is appointed and qualified. Because cumulative experience and continuity in office are essential to the proper handling of appeals under workmen’s compensation law and other labor laws, it is hereby declared to be in the public interest to continue board members in office as long as efficiency is demonstrated. The members shall devote full time to their duties as members of the board. The salary of the chairman of the board shall be the same as the salary of a circuit court judge. Each of the other members shall be paid a salary at the rate of ninety-five per cent of the chairman’s salary.”

SECTION 19. Section 410-4, Hawaii Revised Statutes, is amended to read:

“**Sec. 410-4 Commissioner of credit unions; powers and duties.** (a) The director of the department of regulatory agencies shall be the commissioner.

(b) The powers and duties of the commissioner shall include, but not be limited to:

- (1) Enforcing the provisions of this chapter and other laws relating to credit unions;
- (2) Conferring with the credit union review board on matters affecting credit unions incorporated under this chapter;
- (3) Appointing a deputy not subject to chapters 76, 77 and 89 who shall receive a salary, effective July 1, 1975, of not more than \$29,500 a year, and effective January 1, 1976, of not more than \$32,500 a year. He shall possess all powers and perform all duties attached to the office of the commissioner of credit unions during a vacancy or during the absence or inability of the commissioner; and
- (4) Employing examiners and clerks pursuant to chapters 76 and 77 to assist him and his deputy in the discharge of the duties of the office.

The commissioner, his deputy, and the employees of the office shall be subject to the same requirements and penalties of the members of the board as provided in section 410-3(c)."

SECTION 20. Section 431-33, Hawaii Revised Statutes, is amended to read:

"**Sec. 431-33 Salary.** The insurance commissioner shall not receive any salary in addition to his salary as director of regulatory agencies. The salary of the motor vehicle insurance commissioner shall be set by the insurance commissioner. Effective July 1, 1975, the salary shall be not more than \$34,500 a year. Effective January 1, 1976, the salary shall be not more than \$37,500."

SECTION 21. Section 487-4, Hawaii Revised Statutes, is amended to read:

"**Sec. 487-4 Salaries; benefits.** The salary of the director of the office of consumer protection shall be set by the governor. Effective July 1, 1975, the salary shall be not more than \$34,500 a year. Effective January 1, 1976, the salary shall be not more than \$37,500 a year. The director and attorney staff members shall be entitled to participate in any employee benefit plan."

SECTION 22. Section 722-11, Hawaii Revised Statutes, is amended to read:

"**Sec. 722-11 Appointment of state public defender.** The state public defender shall be appointed by the defender council without regard to chapters 76, 77 and 89. His appointment shall be for a term of four years except as otherwise provided herein, and until his successor is appointed and qualified. He shall be qualified to practice law before the supreme court of this State. The annual salary of the state public defender shall be set by the defender council. Effective July 1, 1975, the salary shall be not more than \$34,500 a year. Effective January 1, 1976, the salary shall be not more than \$37,500 a year. The first state public defender appointed pursuant to this section shall be appointed for a term commencing July 1, 1971, and expiring December 31, 1975. The state public defender shall devote full time to the performance of his duties and shall not engage in the general practice of law."

SECTION 23. There is appropriated out of the general revenues of the State of Hawaii to Program Planning, Analysis, Budgeting (BUF 101) in the operating cost category the sum of \$600,000 for the fiscal year 1975-1976 and \$800,000 for the fiscal year 1976-1977, or so much thereof as may be necessary, for the purposes of this part.

There is further appropriated out of the general revenues of the State of Hawaii the sum of \$1,200,000 for the fiscal year 1975-1976 and \$1,300,000 for the fiscal year 1976-1977, or so much thereof as may be necessary, to be expended by the department of education for the purpose of adjusting the salaries of substitute teachers under section 15 of this Act.

Special and federal funds shall be used to the maximum extent before state funds are utilized for this part. Unexpended funds of the fiscal year 1975-1976 appropriations shall lapse as of June 30, 1976, and unexpended funds of the fiscal year 1976-1977 appropriations shall lapse as of June 30, 1977.

### PART III

SECTION 24. Section 571-8.2, Hawaii Revised Statutes, is amended to read:

**"Sec. 571-8.2 Salary of district family judges.** Effective July 1, 1975, the compensation of district family court judges of the various district family courts of the State shall be \$36,800 a year. Effective January 1, 1976, the compensation of district family court judges of the various district family courts of the State shall be \$40,000 a year."

SECTION 25. Section 601-3, Hawaii Revised Statutes, is amended to read:

**"Sec. 601-3 Administrative director.** The chief justice with the approval of the supreme court, shall appoint an administrative director of the courts to assist him in directing the administration of the judiciary. The administrative director shall be a resident of the State for a continuous period of three years prior to his appointment, and shall be appointed without regard to chapters 76 and 77 and shall serve at the pleasure of the chief justice. He shall hold no other office or employment. Effective July 1, 1975, he shall receive a salary of not more than \$36,800 a year. Effective January 1, 1976, he shall receive a salary of not more than \$40,000 a year. He shall, subject to the direction of the chief justice, perform the following functions:

- (1) Examine the administrative methods of the courts and make recommendations to the chief justice for their improvements;
- (2) Examine the state of the dockets of the courts, secure information as to their needs for assistance, if any, prepare statistical data and reports of the business of the courts and advise the chief justice to the end that proper action may be taken;
- (3) Examine the estimates of the courts for appropriations and present to the chief justice his recommendations concerning them;
- (4) Examine the statistical systems of the courts and make recommendations to the chief justice for a uniform system of judicial statistics;

- (5) Collect, analyze, and report to the chief justice statistical and other data concerning the business of the courts;
- (6) Assist the chief justice in the preparation of the budget, the six-year program and financial plan, the variance report and any other reports requested by the legislature; and
- (7) Attend to such other matters as may be assigned by the chief justice.

The administrative director shall, with the approval of the chief justice, appoint such assistants as may be necessary. The assistants shall be appointed subject to chapters 76 and 77. The administrative director shall be provided with necessary office facilities.

The judges, clerks, officers, and employees of the courts shall comply with all requests of the administrative director for information and statistical data relating to the business of the courts and the expenditure of public funds for their maintenance and operation."

SECTION 26. Section 602-2, Hawaii Revised Statutes, is amended to read:

**"Sec. 602-2 Salary, supreme court justices.** Effective July 1, 1975, the compensation of the chief justice of the supreme court shall be \$45,125 a year and the compensation of the associate justices of the supreme court shall be \$41,400 a year. Effective January 1, 1976, the compensation of the chief justice of the supreme court shall be \$47,500 a year and the compensation of the associate justices of the supreme court shall be \$45,000 a year."

SECTION 27. Section 603-5, Hawaii Revised Statutes, is amended to read:

**"Sec. 603-5 Salary of circuit court judges.** Effective July 1, 1975, the compensation of the circuit court judges of the various circuit courts of the State shall be \$39,100 a year. Effective January 1, 1976, the compensation of the circuit court judges of the various circuit courts of the State shall be \$42,500 a year."

SECTION 28. Section 604-2.5, Hawaii Revised Statutes, is amended to read:

**"Sec. 604-2.5 Salary of district judges.** Effective July 1, 1975, the compensation of the district court judges of the State shall be \$36,800 a year. Effective January 1, 1976, the compensation of the district court judges of the various district courts of the State shall be \$40,000 a year."

SECTION 29. There is appropriated out of the general revenues of the State of Hawaii the sum of \$525,000 for the fiscal year 1975-1976 and \$575,000 for the fiscal year 1976-1977, or so much thereof as may be necessary, for the purposes of this part. Unexpended funds of the fiscal year 1975-1976 appropriation shall lapse as of June 30, 1976, and unexpended funds of the fiscal year 1976-1977 appropriation shall lapse as of June 30, 1977.

The sum appropriated for the purposes of this part shall be expended by the judiciary.



## PART IV

SECTION 30. Section 2-2, Hawaii Revised Statutes, is amended to read:

**"Sec. 2-2 Appointment of personnel; qualifications; salary.** In connection with the operation of the office of revisor of statutes, the supreme court shall select as revisor of statutes a duly qualified person. The revisor shall have direct supervision and control of the office. The revisor, with the approval of the supreme court, may select such assistant revisors as may be required for the proper discharge of the functions of the office. The revisor, with similar approval, shall also select other technical, clerical and stenographic assistants as may be necessary.

The revisor and assistant revisors shall not be subject to chapters 76 and 77. The revisor's salary shall be set by the supreme court. Effective July 1, 1975, the salary shall not be more than \$23,000 a year. Effective January 1, 1976, the salary shall not be more than \$25,000 a year. The salary of the assistant revisors shall be set by the revisor and shall not exceed a sum equal to ninety per cent of the salary of the revisor."

SECTION 31. Section 23-3, Hawaii Revised Statutes, is amended to read:

**"Sec. 23-3 Salary of the auditor and appropriations.** The salary of the auditor shall be fixed by the legislature and shall not be diminished during the auditor's term of office. The salary shall be the same as the salary of circuit court judges. Any adjustment in the annual salary of the circuit court judges as fixed by the legislature shall be applicable to the salary of the auditor.

The funds for the support of the auditor's office shall be provided for in the act providing for the expenses of the legislature."

SECTION 32. Section 23G-1, Hawaii Revised Statutes, is amended to read:

**"Sec. 23G-1 Legislative reference bureau; director, appointment, tenure, removal, compensation, vacancy.** The office of the legislative reference bureau is established. The legislature, by a majority vote of each house in joint session, shall appoint a director for the bureau who shall serve for a period of six years and thereafter until a successor shall have been appointed. The legislature, by two-thirds vote of the members in joint session, may remove or suspend the director from office, but only for neglect of duty, misconduct, or disability.

If the director dies, resigns, becomes ineligible to serve, or is removed or suspended from office, the first assistant to the director shall become the acting director until a new director is appointed.

The salary of the director shall be the same as the salary of the circuit court judges. Any adjustment in the annual salary of the circuit court judges as fixed by the legislature shall be applicable to the salary of the director. The compensation of the director shall not be diminished during his term of office, unless by general law applying to all salaried officers of the State."

SECTION 33. Section 96-2, Hawaii Revised Statutes, is amended to read:

**“Sec. 96-2 Ombudsman; office established, appointment, tenure, removal, qualifications, compensation, vacancy.** The office of the ombudsman is established. The legislature, by a majority vote of each house in joint session, shall appoint an ombudsman who shall serve for a period of six years and thereafter until a successor shall have been appointed. An ombudsman may be reappointed but may not serve for more than three terms. The legislature, by two-thirds vote of the members in joint session, may remove or suspend the ombudsman from office, but only for neglect of duty, misconduct, or disability.

No person may serve as ombudsman within two years of the last day on which he served as a member of the legislature, or while he is a candidate for or holds any other state office, or while he is engaged in any other occupation for reward or profit.

The salary of the ombudsman shall be the same as the salary of the circuit court judges. Any adjustment in the annual salary of the circuit court judges as fixed by the legislature shall be applicable to the salary of the ombudsman. The compensation of the ombudsman shall not be diminished during his term of office, unless by general law applying to all salaried officers of the State.

If the ombudsman dies, resigns, becomes ineligible to serve, or is removed or suspended from office, the first assistant to the ombudsman becomes the acting ombudsman until a new ombudsman is appointed for a full term.”

SECTION 34. Section 96-3, Hawaii Revised Statutes, is amended to read:

**“Sec. 96-3 Assistance, staff, delegation, funding.** The ombudsman shall appoint a first assistant and such other officers and employees as may be necessary to carry out this chapter. All employees, including the first assistant, shall be hired by the ombudsman and shall serve at his pleasure. In determining the salary of each such employee, the ombudsman shall consult with the department of personnel services and shall follow as closely as possible the recommendations of the department. The first assistant’s salary shall not exceed ninety-five per cent of the salary of the ombudsman. The ombudsman and his full-time staff shall be entitled to participate in any employee benefit plan.

The ombudsman may delegate to his appointees any of his duties except those specified in sections 96-12 and 96-13; provided that during the absence of the ombudsman from the island of Oahu, or his temporary inability to exercise and discharge the powers and duties of his office, such powers and duties as contained in sections 96-12 and 96-13 shall devolve upon the first assistant during such absence or inability.

The funds for the support of the office of the ombudsman shall be provided for in the act providing for the expenses of the legislature.”

SECTION 35. The salaries of the permanent employees of the legis-

lature, other than those employed by the legislative support agencies, shall be increased 8.5 per cent effective July 1, 1975, and further increased 8.5 per cent on July 1, 1976.

SECTION 36. There is appropriated out of the general revenues of the State of Hawaii for the fiscal year 1975-1976 the sum of \$130,296, or so much thereof as may be necessary, for the purposes of section 30 to section 35 of this Act. In addition, the balance of the appropriation made by Act 199, Session Laws of Hawaii 1973, is reappropriated to supplement the appropriation made by this section. The amounts appropriated by this section shall be allocated by joint determination of the President of the Senate and the Speaker of the House of Representatives. The unexpended or unencumbered balance of the appropriation made by this section shall lapse into the general fund as of the close of business on June 30, 1976.

SECTION 37. There is appropriated out of the general revenues of the State of Hawaii for the fiscal year 1975-1976 the sum of \$46,166 to the office of the auditor, the sum of \$21,132 to the legislative reference bureau, and the sum of \$7,310 to the office of the ombudsman, or so much thereof as may be necessary, for such adjustments in the salaries of the permanent employees of these agencies as the auditor, the director, and the ombudsman, respectively, may determine to be proper. The unexpended or unencumbered balance of the appropriation made by this section shall lapse into the general fund as of the close of business on June 30, 1976.

SECTION 38. Any provision of law to the contrary notwithstanding, the salary of any state officer or employee which is fixed by law in an established proportion to any salary adjusted by this Act shall be adjusted in the same ratio as the salary adjustment made by this Act.

SECTION 39. If any portion of this Act or its application to any person or circumstance is held to be invalid for any reason, then the legislature declares that the remainder of this Act and each and every other provision of this Act shall not be affected.

SECTION 40. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes may exclude the brackets, the bracketed material, or the underscoring.\*

SECTION 41. This Act shall take effect on July 1, 1975.

(Approved May 7, 1975.)

ACT 59

H.B. NO. 332

A Bill for an Act Relating to Inconsistency Between Chapter 476 of the Hawaii Revised Statutes and Federal Laws and Regulations.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 476-1.5, Hawaii Revised Statutes, is amended to

\*Edited accordingly.

read as follows:

**“Sec. 476-1.5 Application when inconsistent with federal provisions or regulations.** With regard to any transaction governed by the Federal Truth in Lending Act, no contract shall be required by this chapter to contain any disclosure which is inconsistent with the requirements of the Federal Truth in Lending Act and with the regulations of the Federal Reserve Board.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 7, 1975.)

## ACT 60

H.B. NO. 852

A Bill for an Act Relating to the Registration of Trademarks, Prints, Labels, and Trade Names.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 482-2, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 482-2 Application for certificate; fee.** Before anyone may receive a certificate of the registration of a print, label, or trademark, he shall file in the office of the director of regulatory agencies an application for the registration of such print, label, or trademark, with a declaration, certified by the applicant, or, if the application is made by a firm or corporation, by the certification of a member of the firm, or an officer of the corporation, stating that he is, or they are, the sole and original proprietor or proprietors, or the assign or assigns of such proprietor or proprietors, of the print, label, or trademark, and describing the goods or manufactured articles for which the print, label, or trademark is to be used, and stating the manner in which the print, label, or trademark is to be used. Before anyone may receive a certificate of the registration of a trade name he shall file in the office of the director an application for the registration thereof, with a declaration, certified, as aforesaid, stating that he is, or they are, the sole and original proprietor or proprietors of the trade name, or the assign or assigns of the proprietor or proprietors, and setting forth the nature of the business in which the trade name is to be used. The application shall be accompanied by two exact copies of the print, label, or trademark, or it shall set forth the trade name. Upon filing the application, the applicant shall pay to the director a fee of \$10.”

SECTION 2. Chapter 482, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“Sec. 482- Penalty.** (a) Any person who signs and certifies as correct

\*Edited accordingly.

any application filed pursuant to this chapter, knowing the same to be false in any material particular, shall be fined not more than \$5,000.

(b) Any person who negligently but without intent to defraud signs and certifies as correct any application filed pursuant to this chapter, which application is false in any material particular, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding \$500."

SECTION 3. The title of chapter 482, Hawaii Revised Statutes, is amended to read as follows: CHAPTER 482 TRADEMARKS, PRINTS, LABELS, AND TRADE NAMES, REGISTRATION AND PROTECTION OF.

SECTION 4. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of Statutes need not include the brackets, the bracketed material or the underscoring.\*

SECTION 5. This Act shall take effect upon its approval.

(Approved May 7, 1975.)

## ACT 61

H.B. NO. 381

A Bill for an Act Relating to Variances from Pollution Control Requirements.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 342-7, Hawaii Revised Statutes, is amended to read:

"**Sec. 342-7 Variances.** (a) Every application for a variance shall be made on forms furnished by the department and shall be accompanied by a complete and detailed description of present conditions, how present conditions do not conform to standards, and such other information as the department may by rule or regulation prescribe.

(b) Each application for a variance shall be reviewed in light of the descriptions, statements, plans, histories, and other supporting information submitted with the application, such additional information as may be submitted upon the request of the department, and the effect or probable effect upon the air and water quality standards and noise level standards established pursuant to this chapter.

(c) Whenever an application is approved, the department shall issue a variance authorizing the emission or discharge of pollutant or noise in excess of applicable standards. No variance shall be granted by the department unless the application and the supporting information clearly show that:

- (1) The continuation of the function or operation involved in the discharge of waste by the granting of the variance is in the public interest;
- (2) The emission or discharge occurring or proposed to occur does not substantially endanger human health or safety; and
- (3) Compliance with the rules, regulations or standards from which vari-

\*Edited accordingly.

ance is sought would produce serious hardship without equal or greater benefits to the public.

(d) Any variance or renewal thereof shall be granted within the requirements of this section and for time periods and under conditions consistent with the reasons therefor, and within the following limitations:

(1) If the variance is granted on the ground that there is no practicable means known or available for the adequate prevention, control or abatement of the pollution or excessive noise involved, it shall be only until the necessary means for prevention, control, or abatement become practicable and subject to the taking of any substitute or alternate measures that the department may prescribe. No renewal of variance granted under this subsection shall be allowed without a thorough review of known and available means of preventing, controlling, or abating the pollution or excessive noise involved.

(2) The director may issue a variance for a period not exceeding ten years.

(3) Every variance granted under this section shall include conditions requiring the grantee to perform air, discharge, effluent, or noise sampling and report the results of such sampling to the department.

(e) Any variance granted pursuant to this section may be renewed from time to time on terms and conditions and for periods not exceeding ten years which would be appropriate on initial granting of a variance; provided that the applicant for renewal has met all of the conditions specified in the immediately preceding variance; and provided, further, that the renewal, and the variance issued in pursuance thereof, shall provide for emission or discharge not greater than that attained pursuant to the terms of the immediately preceding variance at its expiration. No renewal shall be granted except on application therefor. Any such application shall be made at least one hundred eighty days prior to the expiration of the variance.

(f) No variance granted pursuant to this part shall be construed to prevent or limit the application of any emergency provisions and procedures provided by law.

(g) Notwithstanding any provision in this section, no variance shall be granted or renewed pursuant to this part with respect to any discharge of pollutants or wastes which is in violation of the requirements of the Federal Water Pollution Control Act (33 U.S.C. Section 1251 et seq.) and the amendments thereto."

SECTION 2. New material is underscored. In printing this Act, the revisor of statutes need not include the underscoring\*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 7, 1975.)

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\*Edited accordingly.

## ACT 62

H.B. NO. 383

A Bill for an Act Relating to Oaths in Vital Statistics Registration.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 338, Hawaii Revised Statutes, is amended by adding a new section to read:

“**Sec. 338 Administration of oaths.** Regular employees in the research and statistics office of the department of health may be appointed by the director of health to administer the oaths required by this chapter to be taken when registering vital events on a delayed basis and when correcting items on vital records registered under this chapter.”

SECTION 2. New material is underscored. In printing this Act, the revisor of statutes need not include the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 7, 1975.)

## ACT 63

H.B. NO. 1864

A Bill for an Act Relating to State Safety Inspection of Elevators, Escalators, Etc.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 396-5.5, Hawaii Revised Statutes, is amended by amending subsection (b) to read:

“(b) A qualified elevator inspector is a person who has worked at least five years as an elevator mechanic or who has satisfied requirements established by the department of labor and industrial relations; provided that these experience requirements shall not apply to any person who is serving as an elevator inspector or a supervisor elevator inspector for the department of labor and industrial relations on May 22, 1974.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 7, 1975.)

## ACT 64

S.B. NO. 512

A Bill for an Act Relating to Arrests.

*Be It Enacted by the Legislature of the State of Hawaii:*

\*Edited accordingly.

SECTION 1. Section 723-6, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 723-6 Arrest, how made.** (a) At or before the time of making an arrest, the person shall declare that he is an officer of justice, if such is the case. If he has a warrant he should show it; or if he makes the arrest without warrant in any of the cases in which it is authorized by law, he should give the party arrested clearly to understand for what cause he undertakes to make the arrest, and shall require him to submit and be taken to the police station or judge. This done, the arrest is complete.

(b) In any case in which it is lawful for a police officer to arrest a person without a warrant for a misdemeanor, petty misdemeanor or violation, he may, but need not, issue a citation in lieu of the requirements of (a), if he finds and is reasonably satisfied that the person:

- (1) Is a resident of the State of Hawaii;
- (2) Will appear in court at the time designated;
- (3) Has no outstanding arrest warrants which would justify his detention or give indication that he might fail to appear in court, and
- (4) that the offense is of such nature that there will be no further police contact on or about the date in question, or in the immediate future.

(c) The citation shall contain:

- (1) Name and current address of offender;
- (2) Social security number;
- (3) Description of offender;
- (4) Nature of the offense;
- (5) Time and date;
- (6) Notice of time and date for court appearance;
- (7) Signature of the officer (badge);
- (8) Signature of offender agreeing to court appearance;
- (9) Remarks;
- (10) Notice—you are hereby directed to appear at the time and place designated above to stand trial for the offense indicated. A failure to obey this citation may result in a fine or imprisonment, or both.

(d) If the person fails to appear in answer to the citation, or if there is reasonable cause to believe that he will not appear, a warrant for his arrest may be issued. Willful failure to appear in answer to the citation may be punished by a fine of not more than \$100.00 or imprisonment of not more than 30 days or both.

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 10, 1975.)

\*Edited accordingly.



A Bill for an Act Relating to the Conservation, Management and Protection of Endangered or Threatened Species of Wildlife or Plants.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Hawaii Revised Statutes, is amended by adding a new chapter to be appropriately designated and to read:

**“CHAPTER  
CONSERVATION OF WILDLIFE AND PLANTS**

**Sec. -1 Findings and declaration of necessity.** Since the discovery and settlement of the Hawaiian islands by man many species of wildlife and plants that occurred naturally only in Hawaii have become extinct and many of the remaining species are threatened with extinction, primarily because of increased human use of the land and disturbance to native ecosystems.

All indigenous species of wildlife and plants are integral parts of Hawaii's native ecosystems and comprise the living heritage of Hawaii for they represent a natural resource of scientific, cultural, educational, environmental and economic value to future generations of Hawaii's people.

To insure the continued perpetuation of indigenous wildlife and plants and their habitats for human enjoyment, for scientific purposes, and as members of ecosystems, it is necessary that the State take positive actions to enhance their prospects for survival.

**Sec. -2 Definitions.** As used in this chapter:

(a) “Conserve,” “conserving,” and “conservation” mean to use and the use of all methods and procedures for the purpose of increasing and maintaining populations of wildlife and plants. Such methods and procedures include, but are not limited to activities such as research, census, habitat acquisition, protection, maintenance, propagation, live trapping, regulated taking, law enforcement and transplantation;

(b) “Department” means department of land and natural resources;

(c) “Ecosystem” means all natural elements, physical and biological, of the habitat or site in which any wildlife or plant species is found, and upon which it is dependent;

(d) “Endangered species” means any species whose continued existence as a viable component of Hawaii's indigenous fauna or flora is determined to be in jeopardy and has been so designated pursuant to section

-4;

(e) “Endangered Species Act” means the Endangered Species Act of 1973, 87 Stat. 884, or as such Act may be subsequently amended;

(f) “Indigenous species” means any wildlife or plant species growing or living naturally in Hawaii without having been brought to Hawaii by man;

(g) “Person” means an individual, corporation, partnership, trust, association, or any other private entity, or any officer, employee, agent, department, or instrumentality of the federal government, of any State or political subdivision thereof, or of any foreign government;

(h) "Plant" means any member of the plant kingdom, including seeds, roots and other parts thereof;

(i) "Species" means and shall include any subspecies or lower taxa of wildlife or plants;

(j) "Take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect endangered or threatened species of wildlife or to cut, collect, uproot, destroy, injure, or possess endangered or threatened species of plants, or to attempt to engage in any such conduct;

(k) "Threatened species" means any species of wildlife or plant which appears likely, within the foreseeable future, to become endangered and has been so designated pursuant to section -4;

(l) "Wildlife" means any member of any non-domesticated species of the animal kingdom, whether reared in captivity or not, including, without exception, any mammal, fish, bird, amphibian, reptile, mollusk, crustacean, arthropod or other invertebrate, and includes any part, product, egg, or offspring thereof, or the dead body or parts thereof.

**Sec. -3. Determination by the department relating to conservation of particular species.** (a) The department is authorized to conduct investigations on any species of wildlife and plants in order to develop information relating to their biology, ecology, population, status, distribution, habitat needs, and other limiting factors to determine conservation measures necessary for their continued ability to sustain themselves successfully.

(b) The department is authorized to promulgate pursuant to chapter 91, regulations relating to the taking, possession, transportation, importation, exportation, processing, selling, or offering for sale, or shipment of any species of wildlife and plant for the purpose of conserving the same.

(c) Except as permitted by regulations promulgated by the department, it shall be unlawful for any person to take, possess, transport, export, process, sell or offer for sale or ship any species of wildlife or plants deemed by the department to be in need of conservation pursuant to this section.

**Sec. -4. Endangered species and threatened species.** (a) Any species of wildlife or wild plant that has been determined to be an endangered species pursuant to the Endangered Species Act shall be deemed to be an endangered species under the provisions of this chapter and any indigenous species of wildlife or plant that has been determined to be a threatened species pursuant to the Endangered Species Act shall be deemed to be a threatened species under the provision of this chapter. However, the department may determine, in accordance with this section, that any such threatened species is an endangered species throughout all or any portion of the range of such species within this State.

(b) In addition to the species that have been determined to be endangered or threatened pursuant to the Endangered Species Act, the department may, by regulation, promulgated pursuant to chapter 91, determine any indigenous species of wildlife or wild plant to be an endangered species or a threatened species because of any of the following factors:

(1) The present or threatened destruction, modification, or curtailment of its habitat or range;

- (2) Overutilization for commercial, sporting, scientific, educational or other purposes;
- (3) Disease or predation;
- (4) The inadequacy of existing regulatory mechanisms; or
- (5) Other natural or man made factors affecting its continued existence within Hawaii.

(c) Basis for determinations. The department shall make determinations required by subsection (b) of this section on the basis of all available scientific, commercial and other data after consultation, as appropriate, with Federal agencies, other interested state and county agencies, and interested persons and organizations.

(d) Lists. (1) The department shall issue regulations containing a list of all species of wildlife and plants that have been determined, in accordance with subsections (a) through (c) of this section, as endangered species and a list of all such species so designated as threatened species. Each list shall include the scientific, common and Hawaiian name or names, if any, and shall specify with respect to each such species over what portion of its range it is endangered or threatened. (2) Except with respect to species of wildlife or plants determined to be endangered or threatened pursuant to the Endangered Species Act, the department shall upon its own recommendation or upon the petition of three interested persons, who have presented to the department substantial evidence which warrants review, conduct a review of any listed or unlisted indigenous species proposed to be removed from or added to the lists published pursuant to paragraph (1) of this subsection.

(e) Prohibited acts. With respect to any endangered species of wildlife or plant, it is unlawful, except as provided in subsection (f) of this section, for any person subject to the jurisdiction of this State to:

- (1) Export any such species from this State;
- (2) Take any such species within this State;
- (3) Possess, process, sell or offer for sale, deliver, carry, transport or ship, by any means whatsoever, any such species;
- (4) Violate any regulation pertaining to the conservation of such species or to any threatened species of wildlife listed pursuant to this section and promulgated by the department pursuant to authority provided by this chapter.

(f) Permits. The department may permit, under such terms and conditions as it may prescribe, any act otherwise prohibited by subsection (e) of this section, for scientific purposes or to enhance the propagation or survival of the affected species.

**Sec. -5. Conservation programs.** (a) The department shall conduct research on indigenous plants, birds and mammals and on endangered species and their associated ecosystems, and shall utilize the land acquisition and other authority vested in the department to carry out programs for the conservation, management, and protection of such species and their associated ecosystems. In addition, the department is hereby authorized to acquire by purchase, donation or otherwise, lands or interests therein needed to carry out the programs relating to the intent and purpose of this part.

(b) The office of the governor shall review other programs administered by the department and, to the extent practicable, utilize such programs in furtherance of the purposes of this section. The governor or his authorized representative shall also encourage other state and federal agencies to utilize their authorities in furtherance of the purposes of this section by carrying out programs for the protection of endangered species and by taking such action as may be necessary to insure that actions authorized, funded, or carried out by them do not jeopardize the continued existence of endangered species.

(c) In carrying out programs authorized by this section, the department may enter into agreements with federal agencies and with the counties for administration and management of any area established under this section or utilized for conserving, managing, enhancing, or protecting indigenous plants, birds and mammals and endangered species.

(d) In carrying out programs authorized by this section, priority shall be given to the conservation and protection of those endangered plant, bird and mammal species and their associated ecosystems whose extinction within the State would imperil or terminate, respectively, their existence in the world.

(e) The department shall coordinate with the natural area reserves commission and the animal species advisory commission all research, investigations, lists of indigenous and endangered plants, birds and mammals, and programs for the conservation, management, enhancement and protection of such species that are authorized by this part.

(f) The department may permit, under such terms and conditions as are adopted by regulation, the taking, possession, transportation or exportation of any indigenous plant, bird or mammal on the endangered list for educational, or scientific purposes and for propagation of such species in captivity for preservation purposes.

**Sec. -6 Regulations.** The department shall have the authority to promulgate pursuant to chapter 91 such regulations as are necessary to carry out the purposes of this chapter.

**Sec. -7 Enforcement.** Any employee or agent of the department upon whom the board of land and natural resources has conferred powers of police officers, including the power to serve and execute warrants and arrest offenders or issue citations throughout the State, and any police officer of the counties of this State shall have the authority to enforce any of the provisions of this chapter or any regulation or rule promulgated pursuant hereto.

**Sec. -8 Search and seizure.** Any officer or agent authorized pursuant to section -7 shall have the authority to conduct searches as provided by law and to seize any equipment, business records, merchandise, wildlife or wild plant taken, possessed, transported, sold, offered for sale, or used in violation of any section of this part or any rule or regulation promulgated hereunder, and any of the foregoing so seized shall be held by the department pending disposition of court proceedings, or the department prior to forfeiture may direct the transfer of wildlife or wild plants so seized to a qualified zoological, botanical, educational, or scientific institution for safekeeping, costs thereof to be paid by the defendant. Upon conviction of the person or persons

from whom the seizure was made, the court shall declare the items seized forfeited to the State. Such items shall be destroyed or disposed of in any manner as the department may deem appropriate.

**Sec. -9 Penalty.** Any person who violates any of the provisions of this chapter or the provisions of any regulation or rule promulgated hereunder shall be fined not more than \$1,000 or be imprisoned not more than one year, or both.

**Sec. -10 Severability.** Should any section, subsection, sentence, clause, or phrase of this chapter or any regulation or rule promulgated pursuant thereto be for any reason held by a court of competent jurisdiction to be held invalid, such decision shall not affect the validity of the remaining portions of this chapter or regulation or rule promulgated pursuant thereto."

SECTION 2. Part II of Chapter 191, Hawaii Revised Statutes, is repealed.

SECTION 3. This Act shall take effect upon its approval.

(Approved May 10, 1975.)

ACT 66

H.B. NO. 115

A Bill for an Act Relating to the Uniform Parentage Act.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

## "CHAPTER UNIFORM PARENTAGE ACT

**Sec. -1 Parent and child relationship defined.** As used in this chapter, "parent and child relationship" includes the legal relationship existing between a child and his natural mother, between a child and father whose relationship as parent and child is established under this chapter, or between a child and his adoptive parents, incident to which the law confers or imposes rights, privileges, duties, and obligations.

**Sec. -2 Relationship not dependent on marriage.** Any parent and child relationship established under this chapter extends to every such child and to every such parent, regardless of the marital status of the parents.

**Sec. -3 How parent and child relationship established.** The parent and child relationship between a child and:

- (1) The natural mother may be established by proof of her having given birth to the child, or under this chapter;
- (2) The natural father may be established under this chapter; or
- (3) An adoptive parent may be established by proof of adoption.

**Sec. -4 Presumption of paternity.** (a) A man is presumed to be the natural father of a child if:

- (1) He and the child's natural mother are or have been married to each other and the child is born during the marriage, or within three hundred days after the marriage is terminated by death, annulment, declaration of invalidity, or divorce, or after a decree of separation is entered by a court;
- (2) Before the child's birth, he and the child's natural mother have attempted to marry each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared invalid, and:
  - (A) If the attempted marriage could be declared invalid only by a court, the child is born during the attempted marriage, or within three hundred days after its termination by death, annulment, declaration of invalidity, or divorce; or
  - (B) If the attempted marriage is invalid without a court order, the child is born within three hundred days after the termination of cohabitation;
- (3) After the child's birth, he and the child's natural mother have married, or attempted to marry, each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared invalid, and:
  - (A) He has acknowledged his paternity of the child in writing filed with the department of health;
  - (B) With his consent, he is named as the child's father on the child's birth certificate; or
  - (C) He is obligated to support the child under a written voluntary promise or by court order;
- (4) While the child is under the age of majority, he receives the child into his home and openly holds out the child as his natural child; or
- (5) He acknowledges his paternity of the child in a writing filed with the department of health, which shall promptly inform the mother of the filing of the acknowledgment, and she does not dispute the acknowledgment within a reasonable time after being informed thereof, in a writing filed with the department of health. If another man is presumed under this section to be the child's father, acknowledgment may be effected only with the written consent of the presumed father or after the presumption has been rebutted. If the acknowledgment is filed and not disputed by the mother and if another man is not presumed under this section to be the child's father, the department of health shall prepare a new certificate of birth in accordance with section -23.
  - (b) A presumption under this section may be rebutted in an appropriate action only by clear and convincing evidence. If two or more presumptions arise which conflict with each other, the presumption which on the facts is founded on the weightier considerations of policy and logic controls. The presumption is rebutted by a court decree establishing paternity of the child by another man.

Sec. -5 (Reserved)

**Sec. -6 Determination of father and child relationship; who may bring action; when action may be brought; process, warrant, bond, etc.** (a) A child, or personal representative of the child, his natural mother, including a mother who is an unmarried woman or a mother who is a married woman who was separated from and was not living with her husband prior to and at the time the child was conceived, or her personal representative or parent if the mother has died; or a man alleged or alleging himself to be the natural father, or his personal representative if the father has died, may bring an action for the purpose of declaring the existence or nonexistence of the father and child relationship within the following time periods:

- (1) If the child is the subject of an adoption proceeding,
  - (A) Within thirty days after the date of the child's birth in any case when the mother relinquishes the child for adoption during the thirty-day period; or
  - (B) Any time prior to the date of execution by the mother of a valid consent to the child's adoption, or prior to placement of the child with adoptive parents, but in no event later than three years after the child's birth; or
- (2) If the child has not become the subject of an adoption proceeding within three years after the child's birth; provided that any period of time during which the man alleged or alleging himself to be the natural father of the child is absent from the State or is openly cohabitating with the mother of the child or is contributing to the support of the child, shall not be computed.

(b) When an action is brought under this section by a child, or personal representative of the child, or his natural mother, or her personal representative or parent if the mother has died, process shall issue in the form of a summons and an order directed to the alleged or presumed father requiring him to appear and to show cause why the action should not be brought.

If, at any stage of the proceedings, there appears probable cause to believe that the alleged or presumed father will evade the service of process, or will fail to appear in response thereto, or will flee the jurisdiction of the court, the court may issue a warrant directed to the sheriff, his deputy, or any police officer within the circuit, requiring the alleged or presumed father to be arrested and brought for pre-trial proceedings before the family court. Upon such pre-trial proceedings, the court may require the alleged or presumed father to enter into bond with good sureties to the State in a sum to be fixed by the court for his appearance and the trial of the proceeding in the family court. If he fails to give the bond required of him, the court may forthwith commit him to the custody of the chief of police of the county, there to remain until he enters into the required bond or otherwise is discharged by due process of law. If the alleged or presumed father fails to appear in any proceeding under this chapter, any bond for his appearance shall be forfeited; but the trial of, or other proceedings in, the action shall, nevertheless, proceed as though he were present; and upon the findings of the court it shall make such orders as it deems proper as though he were in court.

In case of forfeiture of any appearance bond, the money collected upon

the forfeiture shall be applied in payment of the judgment against the father.

(c) Regardless of its terms, an agreement, other than an agreement approved by the court in accordance with section -13(b), between an alleged or presumed father and the mother or child, shall not bar an action under this section.

(d) If an action under this section is brought before the birth of the child, all proceedings shall be stayed until after the birth, except service of process and the taking of depositions to perpetuate testimony.

**Sec. -7 Statute of limitations.** Except as otherwise provided in section -6(a) with respect to a child relinquished for adoption, an action to determine the existence of the father and child relationship as to a child who has no presumed father under section -4 shall not be brought later than three years after the birth of the child, or later than three years after the effective date of this chapter, whichever is later. Sections -6 and -7 shall not extend the time within which a right of inheritance or a right to a succession may be asserted beyond the time provided by law relating to distribution and closing of decedents' estates or to the determination of heirship, or otherwise.

**Sec. -8 Jurisdiction; venue.** (a) Without limiting the jurisdiction of any other court, the family court has jurisdiction of an action brought under this chapter. The action may be joined with an action for divorce, annulment, separate maintenance, or support.

(b) A person who has sexual intercourse in this State thereby submits to the jurisdiction of the courts of this State as to an action brought under this chapter with respect to a child who may have been conceived by that act of intercourse. In addition to any other method provided by statute, including section 634-35, personal jurisdiction may be acquired by service in accordance with section 634-25.

(c) The action may be brought in the county in which the child, the mother, or the alleged father resides or is found, or in which the child was born or, if the father is deceased, in which proceedings for probate of his estate have been or could be commenced.

**Sec. -9 Parties; guardian ad litem for minor presumed or alleged father; county attorney or corporation counsel to represent mother; notice to parents.** The child may be made a party to the action and may be represented by his general guardian or a guardian ad litem appointed by the court. The child's mother or father shall not represent the child as guardian or otherwise. The natural mother, each man presumed to be the father under section -4, and each man alleged to be the natural father, shall be made parties, or, if not subject to the jurisdiction of the court, shall be given notice of the action in a manner prescribed by the court and an opportunity to be heard. If it appears to the satisfaction of the court that a man alleged or presumed to be the father is a minor, the court shall cause notice of the pendency of the proceedings and copies of the pleadings on file to be served upon the legal parents or guardian of the minor and may appoint a guardian ad litem to represent the minor in the proceedings. If the legal parents or guardian of any such minor cannot be found, the notice may be served in such manner as the court may direct pursuant to sections 634-21 to 634-24. The court may align the parties. The



county attorney or corporation counsel shall represent the child's mother or her personal representative or parent if the mother has died.

**Sec. -10 Pre-trial proceedings.** As soon as practicable after an action to declare the existence or nonexistence of the father and child relationship has been brought, an informal hearing shall be held. The public shall be barred from the hearing. A record of the proceeding or any portion thereof shall be kept if any party requests, or the court orders. Rules of evidence need not be observed.

**Sec. -11 Blood tests.** (a) The court may, and upon request of a party shall, require the child, mother, or alleged father to submit to blood tests. The tests shall be performed by an expert qualified as an examiner of blood types, appointed by the court.

(b) The court, upon reasonable request by a party, shall order that independent tests be performed by other experts qualified as examiners of blood types.

(c) In all cases, the court shall determine the number and qualifications of the experts.

**Sec. -12 Evidence relating to paternity.** Evidence relating to paternity may include:

- (1) Evidence of sexual intercourse between the mother and alleged father at any possible time of conception;
- (2) An expert's opinion concerning the statistical probability of the alleged father's paternity based upon the duration of the mother's pregnancy;
- (3) Blood test results, weighted in accordance with evidence, if available, of the statistical probability of the alleged father's paternity;
- (4) Medical or anthropological evidence relating to the alleged father's paternity of the child based on tests performed by experts. If a man has been identified as a possible father of the child, the court may, and upon request of a party shall, require the child, the mother, and the man to submit to appropriate tests; and
- (5) All other evidence relevant to the issue of paternity of the child.

**Sec. -13 Pre-trial recommendations.** (a) On the basis of the information produced at the pre-trial hearing, the judge conducting the hearing shall evaluate the probability of determining the existence or nonexistence of the father and child relationship in a trial and whether a judicial declaration of the relationship would be in the best interest of the child. On the basis of the evaluation, an appropriate recommendation for settlement shall be made to the parties, which may include any of the following:

- (1) That the action be dismissed with or without prejudice;
- (2) That the matter be compromised by an agreement among the alleged father, the mother, and the child, in which the father and child relationship is not determined but in which a defined economic obligation is undertaken by the alleged father in favor of the child and, if appropriate, in favor of the mother, subject to approval by the judge conducting the hearing. In reviewing the obligation undertaken by the alleged father in a compromise agreement, the judge conducting

the hearing shall consider the best interest of the child, in the light of the factors enumerated in section -15(e), discounted by the improbability, as it appears to him, of establishing the alleged father's paternity or nonpaternity of the child in a trial of the action. In the best interest of the child, the court may order that the alleged father's identity be kept confidential. In that case, the court may designate a person or agency to receive from the alleged father and disburse on behalf of the child all amounts paid by the alleged father in fulfillment of obligations imposed on him; or

(3) That the alleged father voluntarily acknowledged his paternity of the child.

(b) If the parties accept a recommendation made in accordance with subsection (a), judgment shall be entered accordingly.

(c) If a party refuses to accept a recommendation made under subsection (a) and blood tests have not been taken, the court shall require the parties to submit to blood tests, if practicable. Thereafter the judge shall make an appropriate final recommendation. If a party refuses to accept the final recommendation, the action shall be set for trial.

(d) The guardian ad litem may accept or refuse to accept a recommendation under this section.

(e) The informal hearing may be terminated and the action set for trial if the judge conducting the hearing finds it unlikely that all parties would accept a recommendation he might make under subsection (a) or (c).

**Sec. -14 Civil action; jury.** (a) An action under this chapter shall be a civil action governed by the Hawaii Rules of Civil Procedure or the Hawaii Family Court Rules. The mother of the child and the alleged father shall be competent to testify and may be compelled to testify, provided that no criminal prosecution, other than a prosecution for perjury, shall afterwards be had against the mother or the alleged father for or on account of any transaction, matter, or thing concerning which she or he may testify or produce evidence, documentary or otherwise. Sections -11 and -12 shall apply in any action brought under this chapter.

(b) Testimony relating to sexual access to the mother by an unidentified man at any time or by an identified man at a time other than the probable time of conception of the child shall be inadmissible in evidence, unless offered by the mother.

(c) In an action against an alleged father, evidence offered by him with respect to a man who is not subject to the jurisdiction of the court concerning his sexual intercourse with the mother at or about the probable time of conception of the child shall be admissible in evidence only if he has undergone and made available to the court blood tests the results of which do not exclude the possibility of his paternity of the child.

**Sec. -15 Judgment or order.** (a) The judgment or order of the court determining the existence or nonexistence of the parent and child relationship shall be determinative for all purposes.

(b) If the judgment or order of the court is at variance with the child's birth certificate, the court shall order that a new birth certificate be issued un-

der section -23.

(c) The judgment or order may contain any other provision directed against the appropriate party to the proceeding, concerning the duty of support, the custody and guardianship of the child, visitation privileges with the child, the furnishing of bond or other security for the payment of the judgment, or any other matter in the best interest of the child. Upon neglect or refusal to give such security, or upon default of the father or his surety in compliance with the terms of the judgment, the court may order the forfeiture of any such security and the application of the proceeds thereof toward the payment of any sums due under the terms of the judgment and may also sequester the father's personal estate, and the rents and profits of his real estate, and may appoint a receiver thereof, and may cause the father's personal estate, including any salaries, wages, commissions, or other moneys owed to him and the rents and profits of his real estate, to be applied toward the meeting of the terms of the judgment, to the extent that the court, from time to time, deems just and reasonable. The judgment or order may direct the father to pay the reasonable expenses of the mother's pregnancy and confinement.

(d) Support judgment or orders ordinarily shall be for periodic payments which may vary in amount. In the best interest of the child, a lump sum payment or the purchase of an annuity may be ordered in lieu of periodic payments of support. The court may limit the father's liability for past support of the child to the proportion of the expenses already incurred that the court deems just.

(e) In determining the amount to be paid by a parent for support of the child and the period during which the duty of support is owed, a court enforcing the obligation of support shall consider all relevant facts, including:

- (1) The needs of the child;
- (2) The standard of living and circumstances of the parents;
- (3) The relative financial means of the parents;
- (4) The earning ability of the parents;
- (5) The need and capacity of the child for education, including higher education;
- (6) The age of the child;
- (7) The financial resources and the earning ability of the child;
- (8) The responsibility of the parents for the support of others; and
- (9) The value of services contributed by the custodial parent.

**Sec. -16 Costs.** The court may order reasonable fees of counsel, experts, and the child's guardian ad litem, and other costs of the action and pre-trial proceedings, including blood tests, to be paid by the parties in proportions and at times determined by the court. The court may order the proportion of any indigent party to be paid by the State, or such person as the court shall direct.

**Sec. -17 Enforcement of judgment or order.** (a) If existence of the father and child relationship is declared, or paternity or a duty of support has been acknowledged or adjudicated under this chapter or under prior law, the obligation of the father may be enforced in the same or other proceedings by the mother, the child, the public authority that has furnished or may furnish

the reasonable expenses of pregnancy, confinement, education, support, or funeral, or by any other person, including a private agency, to the extent he has furnished or is furnishing these expenses.

(b) The court may order support payments to be made to the mother, the clerk of the court, or a person, corporation, or agency designated to administer them for the benefit of the child under the supervision of the court.

(c) Wilful failure to obey the judgment or order of the court shall be a civil contempt of the court. All remedies for the enforcement of judgments shall apply to this chapter.

**Sec. -18 Modification of judgment or order.** The court shall have continuing jurisdiction to modify or revoke a judgment or order:

(1) For future education and support; and

(2) With respect to matters listed in section -15(c) and (d) and section -17(b), except that a court entering a judgment or order for the payment of a lump sum or the purchase of an annuity under section -15(d) may specify that the judgment or order may not be modified or revoked.

**Sec. -19 Right to counsel; free transcript on appeal.** (a) At the pre-trial hearing and in further proceedings, any party may be represented by counsel. The court may appoint counsel for a party who is financially unable to obtain counsel.

(b) If a party is financially unable to pay the cost of a transcript, the court may furnish on request a transcript for purposes of appeal.

**Sec. -20 Hearings and records; confidentiality.** Notwithstanding any other law concerning public hearings and records, any hearing or trial held under this chapter shall be held in closed court without admittance of any person other than those necessary to the action or proceeding. All papers and records, pertaining to the action or proceeding, whether part of the permanent record of the court or of a file in the department of health or elsewhere, shall be subject to inspection only upon consent of the court and all interested persons, or in exceptional cases only upon an order of the court for good cause shown.

**Sec. -21 Action to declare mother and child relationship.** Any interested party may bring an action to determine the existence or nonexistence of a mother and child relationship. Insofar as practicable, the provisions of this chapter applicable to the father and child relationship shall apply.

**Sec. -22 Promise to render support.** (a) Any promise in writing to furnish support for a child, growing out of a supposed or alleged father and child relationship, shall not require consideration and shall be enforceable according to its terms.

(b) In the best interest of the child or the mother, the court may, and upon request shall, order the promise to be kept in confidence and designate a person or agency to receive and disburse on behalf of the child all amounts paid in performance of the promise.

**Sec. -23 Birth records.** (a) Upon order of a court of this State or upon request of a court of another state, or following acknowledgment as provided in section -4(a) (5), the department of health shall prepare a new certificate of birth consistent with the findings of the court or in cases of acknowledg-

ment under section -4(a) (5), consistent with the acknowledgment, and shall substitute the new certificate for the original certificate of birth.

(b) The fact that the father and child relationship was declared or acknowledged after the child's birth shall not be ascertainable from the new certificate but the actual place and date of birth shall be shown.

(c) The evidence upon which the new certificate was made and the original birth certificate shall be kept in a sealed and confidential file and be subject to inspection only upon consent of the court and all interested persons, or in exceptional cases only upon an order of the court for good cause shown.

**Sec. -24 Custodial proceedings.** (a) If a mother relinquishes or proposes to relinquish for adoption a child who has:

- (1) A presumed father under section -4(a);
- (2) A father whose relationship to the child has been determined by a court; or
- (3) A father as to whom the child is a legitimate child under prior law of this State or under the law of another jurisdiction;

the father shall be given notice of the adoption proceeding and have the rights provided under chapter 578, unless the father's relationship to the child has been previously terminated or determined by a court not to exist.

(b) If a mother relinquishes or proposes to relinquish for adoption a child who does not have:

- (1) A presumed father under section -4(a);
- (2) A father whose relationship to the child has been determined by a court; or
- (3) A father as to whom the child is a legitimate child under prior law of this State or under the law of another jurisdiction;

or if a child otherwise becomes the subject of an adoption proceeding, the court shall determine whether the natural father has exercised parental duties, obligations, and concern for the child in accordance with subsection (c); provided that if the proposed adoptive parent is the spouse of the child's mother, no notice is required to be given to a father who does not fall within the provisions of subsection (a).

(c) In order to determine the extent of the natural father's exercise of parental duties, obligations, and concern for the child, the court shall cause inquiry to be made of the mother and any other appropriate person. The inquiry shall include the following:

- (1) Whether the mother was married at the time of conception of the child or at any time thereafter;
- (2) Whether, at the time of conception or birth of the child thereafter, the mother was cohabiting with a man whom she alleges to be or who represents or believes himself to be the child's father;
- (3) Whether the mother has received support payments or promises of support with respect to the child or in connection with her pregnancy or in connection with the birth of the child.

(d) If, after the inquiry, the court is satisfied that the natural father has exercised parental duties, obligations, and concern for the child, he shall be given notice of the proceeding in accordance with subsection (f). If he fails to

appear or, if appearing, fails to claim custodial rights, his parental rights with reference to the child shall be terminated. If the natural father or a man representing himself to be the natural father, claims custodial rights, the court shall proceed to determine custodial rights.

(e) If, after the inquiry, the court is satisfied that the natural father has failed to exercise parental duties, obligations, and concern for the child the court shall enter an order terminating the natural father's parental rights with reference to the child. Subject to the disposition of an appeal, upon the expiration of thirty days after an order terminating parental rights is issued under this subsection, the order shall not be questioned by any person, in any manner, or upon any ground, including fraud, misrepresentation, failure to give any required notice, or lack of jurisdiction of the parties or of the subject matter.

(f) Notice of the proceeding shall be given to any person who is entitled under the provisions of this chapter to receive notice in the manner appropriate under chapter 578. Proof of giving the notice shall be filed with the court before the petition is heard.

**Sec. -25 Uniformity of application and construction.** This chapter shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this chapter among states enacting it.

**Sec. -26 Short title.** This chapter may be cited as the "Uniform Parentage Act."

SECTION 2. Chapter 338, Hawaii Revised Statutes, is amended in the following respects:

(1) Section 338-1 is amended to read as follows:

"**Sec. 338-1 Definitions of terms.** As used in this part, unless the context otherwise indicates:

- (1) "Public health statistics" includes the registration, preparation, transcription, collection, compilation, and preservation of data pertaining to births, adoptions, legitimations, deaths, fetal deaths, morbidity, marital status, and data incidental thereto.
- (2) "Live birth" is the complete expulsion or extraction from its mother of a product of conception that did, after complete expulsion or extraction from the mother, breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or movement of voluntary muscle, whether or not the umbilical cord was cut or the placenta attached.
- (3) "Fetal death" is death prior to the complete expulsion or extraction from its mother of a product of conception, irrespective of the duration of pregnancy, that did not, after complete separation from the mother, breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or movement of voluntary muscle.
- (4) "Dead body" means lifeless human body, or such parts of the human body, or the bones thereof, from the state of which it reasonably

may be concluded that death recently occurred.

- (5) "Person in charge of the disposition of the body" means any person who places, or causes to be placed, a stillborn child, or dead body, or ashes, after cremation, in a grave, vault, urn, or other receptacle, or otherwise disposes thereof.
- (6) "Physician" means a person legally authorized to practice medicine, osteopathy, or the science of naturopathy in the State.
- (7) "Legitimation" is the process by which a child born out of wedlock assumes the legal status and the rights, privileges, duties, and obligations of a child who is born in wedlock. Legitimation occurs:
  - (A) When the natural parents marry each other;
  - (B) When the unmarried natural father voluntarily acknowledges his child born out of wedlock through an affidavit of each parent where they identify the child as theirs and the other parent as the mother or father;
  - (C) When the parent and child relationship is established under chapter ; or
  - (D) When a child born out of wedlock is adopted."

(2) Section 338-12 is amended to read as follows:

**"Sec. 338-12 Evidentiary character of certificates.** Certificates filed within thirty days after the time prescribed therefor shall be prima facie evidence of the facts therein stated. Data pertaining to the father of a child is prima facie evidence only if the alleged father is the husband of the mother or if the alleged father is the acknowledged father of the child; or if the father and child relationship has been established under chapter ; if not, the data pertaining to the father of the child are not evidence in any proceeding adverse to the interest of the alleged father, or of his heirs, next kin, devisees, or other successors in interest, if the paternity is controverted."

(3) Section 338-17.7 is amended to read as follows:

**"Sec. 338-17.7 Establishment of new certificates of birth, when.** (a) The director of health shall establish a new birth certificate for a person born in this State upon receipt of a certified copy of a court determination of paternity together with a request from the natural mother or person having legal custody of the child that such new certificate be prepared. The surname of the child shall be that of the mother unless the decree or request provided otherwise.

(b) A new certificate of birth shall be prepared by the director of health for a child or children legitimated as provided in section 338-21.

(c) A new certificate of birth shall be prepared by the director of health for a person born in the State upon receipt of an affidavit by a physician that he has examined the person and has found the sex item on the person's birth certificate was entered incorrectly.

(d) A new certificate of birth shall be prepared by the director of health for a person born in the State upon receipt of an affidavit by a physician that he has performed an operation on the person and that by reason of the operation the sex designation on such person's birth record should be changed. The director of health may make a further investigation or require any further in-

formation he deems necessary.

(e) When a new certificate of birth is established under this section, it shall be substituted for the original certificate of birth. Thereafter, the original certificate and the evidence supporting the preparation of the new certificate shall be sealed and filed. Such sealed document shall be opened only by an order of the director of health or a court of record."

(4) Section 338-21 is amended by amending subsection (a) to read as follows:

"(a) All children born out of wedlock, irrespective of the marriage of either parent to another, become legitimate (1) on the marriage of the parents with each other, (2) on the voluntary, written acknowledgment of paternity by the father and mother, or (3) on establishment of the parent and child relationship under chapter \_\_\_\_\_, and are entitled to the same rights as those born in wedlock and shall take either their father's name or their mother's name as a family name, as so stipulated by their parents. If legitimation is accomplished before the original certificate of birth is filed with the department of health, the original certificate of birth shall contain the name so stipulated. The child or children of the parents thereof may petition the department of health to issue a new certificate of birth in the new name of the legitimated child, and the department shall issue the new certificate of birth upon being satisfied that the child or children has or have been legitimated."

SECTION 3. Section 574-2, Hawaii Revised Statutes, is amended to read as follows:

"**Sec. 574-2 Legitimate children.** All children born in wedlock shall have their father's name as a family name. They shall, besides, have a given name. All children legitimated, as provided in section 338-21, shall have either their father's name or their mother's name as a family name. They shall, besides, have a given name."

SECTION 4. Chapter 579, Hawaii Revised Statutes, is repealed.

SECTION 5. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 6. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 7. This Act shall take effect on January 1, 1976.

(Approved May 10, 1975.)

\*Edited accordingly.



## ACT 67

H.B. NO. 134

A Bill for an Act Relating to Injunction by Attorney General or the Office of Consumer Protection.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 480-15, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 480-15 Injunction by attorney general or the director of the office of consumer protection.** The attorney general may bring proceedings to enjoin any violation of this chapter; provided that the director of the office of consumer protection may also bring proceedings to enjoin any violation of section 480-2.”

SECTION 2. New material is underscored. In printing this Act, the Revisor of Statutes need not include the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.  
(Approved May 10, 1975.)

## ACT 68

H.B. NO. 152

A Bill for an Act Relating to Workmen's Compensation.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 386-1, Hawaii Revised Statutes, is amended to read:

**“Sec. 386-1 Definitions.** In this chapter, unless the context otherwise requires:

“Appellate board” means the labor and industrial relations appeal board.

“Compensation” means all benefits accorded by this chapter to an employee or his dependents on account of a work injury as defined in this section; it includes medical and rehabilitation benefits, income and indemnity benefits in cases of disability or death, and the allowance for funeral and burial expenses.

“Covered employment” means employment of an employee as defined in this section or of a person for whom the employer has provided voluntary coverage pursuant to section 386-4.

“Director” means the director of labor and industrial relations.

“Disability” means loss or impairment of a physical or mental function.

“Department” means the department of labor and industrial relations.

“Employee” means any individual in the employment of another person.

\*Edited accordingly.

Where an employee is loaned or hired out to another person for the purpose of furthering the other person's trade, business, occupation, or profession, the employee shall, beginning with the time when the control of the employee is transferred to the other person and continuing until the control is returned to the original employer, be deemed to be the employee of the other person regardless of whether he is paid directly by the other person or by the original employer. The employee shall be deemed to remain in the sole employment of the original employer if the other person fails to secure compensation to the employee as provided in section 386-121.

Whenever an independent contractor undertakes to perform work for another person pursuant to contract, express or implied, oral or written, the independent contractor shall be deemed the employer of all employees performing work in the execution of the contract, including employees of his subcontractors and their subcontractors. However, the liabilities of the direct employer of an employee who suffers a work injury shall be primary and that of the others secondary in their order. An employer secondarily liable who satisfies a liability under this chapter shall be entitled to indemnity against loss from the employer primarily liable.

"Employee in comparable employment" means a person, other than the injured employee, who is employed in the same grade in the same type of work by the same employer or, if there is no person so employed, a person, who is employed in the same grade in the same type of work by another employer in the same district.

"Employer" means any person having one or more persons in his employment. It includes the legal representative of a deceased employer and the State, any county or political subdivision of the State, and any other public entity within the State.

The insurer of an employer is subject to the employer's liabilities and entitled to his rights and remedies under this chapter as far as applicable.

"Employment" means any service performed by an individual for another person under any contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully entered into. It includes service of public officials, whether elected or under any appointment or contract of hire express or implied.

"Employment" does not include the following service:

- (1) Service for a religious, charitable, educational, or nonprofit organization if performed in a voluntary or unpaid capacity;
- (2) Service for a religious, charitable, educational, or nonprofit organization if performed by a recipient of aid therefrom and the service is incidental to or in return for the aid received;
- (3) Service for a school, college, university, college club, fraternity, or sorority if performed by a student who is enrolled and regularly attending classes and in return for board, lodging, or tuition furnished, in whole or in part;
- (4) Service performed by a duly ordained, commissioned, or licensed minister, priest, or rabbi of a church in the exercise of his ministry or by a member of a religious order in the exercise of nonsecular

duties required by the order.

- (5) Service performed by an individual for another person solely for personal, family, or household purposes if the cash remuneration received is less than \$225 during the current calendar quarter and during each completed calendar quarter of the preceding twelve month period.

As used in this paragraph "religious, charitable, educational, or nonprofit organization" means a corporation, unincorporated association, community chest, fund, or foundation organized and operated exclusively for religious, charitable, or educational purposes, no part of the net earnings of which inure to the benefit of any private shareholder or individual.

"Medical care," "medical services," or "medical supplies," means every type of care, treatment, surgery, hospitalization, attendance, service, and supplies as the nature of the work injury requires, and includes such care, services and supplies rendered or furnished by a licensed or certified physician, dispensing optician, podiatrist, physical therapist, nurse, or masseur.

"Personal injury" includes death resulting therefrom.

"Physician" includes a doctor of medicine, a dentist, a chiropractor, an osteopath, a naturopath, and an optometrist.

"State average weekly wage" means the amount determined by the director under section 383-22 as the average weekly wage.

"Total disability" means disability of such an extent that the disabled employee has no reasonable prospect of finding regular employment of any kind in the normal labor market.

"Trade, business, occupation, or profession" means all commercial, occupational, or professional activities, whether conducted for pecuniary gain or not. It includes all activities of nonprofit organizations conducted in pursuit of their purposes.

"Wages" means all remuneration for services constituting employment. It includes the market value of board, lodging, fuel, and other advantages having a cash value which the employer has paid as a part of the employee's remuneration and gratuities received in the course of employment from others than the employer to the extent that they are customary and expected in that type of employment or accounted for by the employee to the employer.

"Work injury" means a personal injury suffered, under the conditions specified in section 386-3."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 10, 1975.)

\*Edited accordingly.

A Bill for an Act relating to Public Land Exchanges.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 171-50, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) Legislative disapproval. Any exchange of public land for private land shall be subject to disapproval by the legislature by two-thirds vote of either the senate or the house of representatives or by majority vote of both in any regular or special session next following the date of exchange. The department shall submit for introduction to the legislature a resolution for review of action on any exchange twenty days prior to the start of any regular or special session.”

SECTION 2. Section 171-50, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Value. The public land exchanged shall be of substantially equal value to that of the private land. In any exchange, the fair market value of the private land and the public land shall be separately determined by a disinterested qualified appraiser or appraisers and the cost shall be borne equally between the owner and the board. No payment by the State shall be required should the private land exceed the value of the public land, but any difference in value of the public land over the private land shall be paid to the State at the time of the exchange; provided, no exchange shall be made should public land exceed 120 per cent of the value of the private land.”

SECTION 3. Statutory material to be repealed is bracketed. In printing this Act, the revisor of statutes need not include the brackets, or the bracketed material.\*

SECTION 4. This Act shall take effect upon its approval.

(Approved May 10, 1975.)

A Bill for an Act Relating to Liability of Innkeepers.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Sections 507-9 and 507-10, Hawaii Revised Statutes, are amended to read as follows:

“**Sec. 507-9 Safe for valuables; limitation of liability for deposited valuables.** Whenever the keeper of any hotel provides a safe or vault in the office thereof, for the safekeeping of any money, jewels, bank notes, precious stones,

\*Edited accordingly.

railroad or steamship tickets, negotiable or valuable papers, or ornaments belonging to the guests of, or travelers in, the hotel, and posts a notice stating the fact that a safe or vault is provided in which valuables may be deposited, in the room or rooms occupied by the guests or travelers in a conspicuous position, if any guest or traveler neglects to deliver valuables to the person in charge of the safe, the keeper of the hotel shall not be liable in any sum for any loss of valuables sustained by the guest or traveler by theft or otherwise. If the guest or traveler delivers valuables to the person in charge of the office for deposit in the safe, the keeper shall not be liable for any loss thereof sustained by the guest or traveler, by theft or otherwise, in any sum exceeding \$500; provided that the keeper's liability is limited to \$500 only if he gives a receipt for the valuables on a form which states, in type large enough to be clearly noticeable, that the keeper is not liable for any loss exceeding \$500 except by special agreement in writing in which the keeper agrees to accept liability for losses in excess of \$500. The keeper may accept liability for losses in excess of \$500 by special agreement in writing between a guest or traveler and the keeper or his duly authorized representative.

**Sec. 507-10 Hotelkeeper's liability for personal property.** No keeper of any hotel shall be liable in any sum to any guest of, or traveler in, the hotel for the loss of wearing apparel, goods, merchandise, or other personal property not mentioned in section 507-9, unless it appears that the loss occurred through the fault or negligence of the keeper. Nor shall any keeper be liable in any event in any sum for the loss of any article or articles of wearing apparel, cane, umbrella, satchel, valise, bag, box, bundle, or other chattel belonging to any guest of, or traveler in, any hotel, and not within a room or rooms assigned to him, unless the same is specially intrusted to the care and custody of the keeper or his duly authorized agent, and if so specially intrusted with any such article belonging to the guest or traveler, the keeper shall not be liable for the loss of the same in any sum exceeding \$500 except that his liability may be in excess of \$500 by special agreement in writing with the keeper or his duly authorized representative."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 10, 1975.)

A Bill for an Act Relating to Audit and Accounting.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The purpose of this Act is to clarify the voucher require-

\*Edited accordingly.

ments of chapter 40, Hawaii Revised Statutes, by the use of current terminology in those sections of the chapter where clarification is needed in the audit and accounting of the financial transactions of the State government.

SECTION 2. Section 40-3, Hawaii Revised Statutes, is amended to read:

**“Sec. 40-3 Bookkeeping.** The comptroller shall keep a complete set of double entry books in which he shall open or cause to be opened all government accounts, and for the several amounts as shown by the appropriation bill, or any other appropriation that may be at any time made by the legislature, and he shall record his daily business transactions in detail therein. He shall also keep ledgers in which he shall open, arrange, and keep in a methodical and systematic manner the various state accounts so that the status and condition of all funds and appropriations, of all assets and liabilities, and for all income and expenditures of the State may at any time be ascertained and known; and further, he shall keep books to be known as the warrant registers showing the warrants drawn. The warrants are to be numbered from one up to the number required for the current fiscal period, and in the form as shown in section 40-52, and all such other auxiliary books as he may deem necessary for a correct and proper administration of his office. He shall also keep on file in a convenient form for easy reference all original warrant vouchers for which warrants have been drawn by him, and the original warrant vouchers shall have endorsed thereon the number of the warrant by which they were paid, the date of the warrant, the appropriation to which they were debited, and the amount.”

SECTION 3. Section 40-56, Hawaii Revised Statutes, is amended to read:

**“Sec. 40-56 Warrants for supplies, incidentals.** Warrants for bills of materials, supplies, and incidentals of every kind and character, shall be made payable to the order of each individual person to whom the State is indebted, except as provided in section 40-58, and only after an original warrant voucher shall have been presented to the comptroller accompanied by all original bills and any other supporting document as may be required by the comptroller. The original warrant voucher shall have indorsed thereon the approval of the officer in whose department the liability or expense has been incurred, and the appropriation to which it is chargeable; and further, each original bill shall be specially certified to by the subordinate officer of the State directly incurring the liability or expense that all the materials, supplies, and incidentals have been received in good order and condition.”

SECTION 4. Section 40-57, Hawaii Revised Statutes, is amended to read:

**“Sec. 40-57 Warrants on account of contracts.** All warrants for bills on account of state contracts shall be made payable to the order of the person to whom the State is directly indebted, except as provided in section 40-58, and only after an original warrant voucher shall have been presented to the comptroller accompanied by all original bills and any other supporting document

as may be required by the comptroller. The original warrant voucher shall have indorsed thereon the approval of the officer in whose department the contracts have been made, and the appropriation to which it is chargeable; and further, each original bill shall be specially certified to by the subordinate officer of the State supervising the work performed, or receiving the materials and supplies as specified in the contracts, that the work has been faithfully performed and that the materials and supplies were in a good and merchantable condition when received. No warrant shall be issued unless a copy of the contract or bid shall have been filed with the comptroller, together with a statement by the head of the department or agency that made the contract or accepted the bid, naming the appropriation to which the contract or bid is to be chargeable."

SECTION 5. Section 40-60, Hawaii Revised Statutes, is amended to read:

**"Sec. 40-60 Vouchers required; procedure if not obtainable.** The comptroller shall not recognize any claim of whatsoever nature unless an original warrant voucher is presented for the same. No warrant shall be issued in payment for any claim except upon proper indorsement of the warrant voucher, notwithstanding any allegation of papers having been lost or destroyed, or of the impossibility of obtaining the prescribed original warrant voucher, so that it could not reasonably be obtained, except on application to one of the justices of the supreme court at chambers, who, after summoning the comptroller, and other persons he may think fit, may, upon evidence satisfactory to him that the requisite papers have been lost or destroyed, or that it is impossible or impracticable to procure them, prescribe a form of warrant voucher, which, bearing the approval of the justice, shall then be received by the comptroller and filed as in this chapter provided. All substitute warrant vouchers shall be considered binding on the State and all other parties."

SECTION 6. Section 40-61, Hawaii Revised Statutes, is amended to read:

**"Sec. 40-61 Procedure when voucher defective.** When an original warrant voucher produced for a claim is defective from the want of any certificate or other document which ought to have accompanied it, the comptroller may, upon proof being made to his satisfaction that the public accountant did not willfully neglect to procure the certificate, or document, and that the sum specified in the warrant voucher has been actually and properly incurred as a State liability, admit the warrant voucher as sufficient evidence of liability, and allow the amount to be paid."

SECTION 7. Section 40-91, Hawaii Revised Statutes, is amended to read:

**"Sec. 40-91 Appeal from comptroller to supreme court justices.** In case of any question or difference of opinion arising between the comptroller and any officer of the State regarding the proper appropriation to which any item or amount of expense is charged, or any other matter regarding the construction of this chapter or the authority vested in either of them by this chapter,

and in all cases where a claim is disallowed by the comptroller in consequence of the absence of an original warrant voucher, or upon an imperfect warrant voucher or an incorrect certificate, or if any person feels aggrieved by any decision of the comptroller, in the rejection or the surcharge of the returns or refusal to approve or allow any demand presented by the person, any of the persons concerned may appeal from the decision to the justices of the supreme court, who after such investigation as by them is considered equitable, may make such order directing the relief of the appellant in whole or in part as appears to the justices to be just and reasonable, and the decision of the justices shall be final and binding upon all parties, and they shall govern themselves accordingly. If the demand of the officer, bill, claim of any person, or the return of any public accountant is approved, in whole or in part by the justices, they shall so indorse their findings on the same and it shall thereafter be presented to the comptroller, who shall enter it in the proper book in like manner as other demands and indorsement shall be made by the comptroller of its having been so entered before it can be paid."

SECTION 8. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.\*

SECTION 9. This Act shall take effect upon its approval.

(Approved May 10, 1975.)

## ACT 72

H.B. NO. 370

A Bill for an Act Relating to Audit and Accounting.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 40-40, Hawaii Revised Statutes, is amended to read:

**"Sec. 40-40 Receipts and payments.** For all moneys paid into the treasury there shall be prepared a treasury deposit receipt in the form and in the number of copies determined by the comptroller as provided in section 40-6. The receipt shall specify the information required by the comptroller and the director of finance for the proper accounting of the amount paid into the treasury. The receipt shall be countersigned by the director of finance, or his designee, after writing upon its face the day of its delivery to him. The director, or his designee, shall deliver a copy of the receipt to the person or official paying the money into the treasury, and shall deliver a copy to the comptroller. The director shall retain the original receipt, charging himself with the amount specified therein, and crediting the fund or account named thereon. No receipt shall be considered valid or binding as against the State, unless so countersigned as in this chapter provided."

\*Edited accordingly.



SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 10, 1975.)

## ACT 73

H.B. NO. 371

A Bill for an Act Relating to Audit and Accounting.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 40-32, Hawaii Revised Statutes, is amended to read:

**"Sec. 40-32 Payment by Honolulu accountants.** Every public accountant collecting or receiving revenue or other moneys in Honolulu shall pay weekly, or at such times as may be otherwise specially appointed, into the treasury all sums of money collected or received by him on account of the revenue or otherwise."

SECTION 2. Section 40-33, Hawaii Revised Statutes, is amended to read:

**"Sec. 40-33 By accountants out of Honolulu.** Every public accountant collecting or receiving revenue or other moneys out of Honolulu shall transmit or pay monthly, or at such times as may be otherwise specially appointed, into the treasury all sums of money collected or otherwise received by him on account of the revenue or otherwise."

SECTION 3. Section 40-37, Hawaii Revised Statutes, is repealed.

SECTION 4. Section 40-38, Hawaii Revised Statutes, is repealed.

SECTION 5. Statutory material to be repealed is bracketed. In printing this Act, the revisor of statutes need not include the brackets or the bracketed material.\*

SECTION 6. This Act shall take effect upon its approval.

(Approved May 10, 1975.)

## ACT 74

H.B. NO. 384

A Bill for an Act Relating to Vital Statistics Registration of Fetal Deaths.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 338-9, Hawaii Revised Statutes, is amended to read:

\*Edited accordingly.

**“Sec. 338-9 Filing and preparation of death and fetal death certificates.**

(a) The person in charge of the disposition of the body shall file with the local agent of the department of health in the district in which the death or fetal death occurred, or a dead body was found, a certificate of death or fetal death within three days after the occurrence, except that reports of intentional terminations of pregnancy performed in accordance with section 453-16 may be deferred for up to one month.

(b) In preparing a certificate of death or fetal death the person in charge of the disposition of the body shall:

- (1) Obtain and enter on the certificate the personal data and other information pertaining to the deceased person required by the department from the person best qualified to supply them;
- (2) Present the certificate of death to the physician last in attendance upon the deceased, or to the coroner’s physician who shall thereupon certify the cause of death to his best knowledge and belief; present the certificate of fetal death to the physician, midwife, or other person in attendance at the fetal death, who shall certify the fetal death and such medical data pertaining thereto as he can furnish; fetal deaths of less than 16 weeks or intentional terminations of pregnancy performed in accordance with section 453-16 may be certified by a nurse or other employee based upon the physician’s records;
- (3) Notify immediately the appropriate local agent, if the death occurred without medical attendance, or if the physician last in attendance fails to sign the death certificate. In such event the local agent shall inform the local health officer, and refer the case to him for immediate investigation and certification of the cause of death prior to issuing a permit for burial, or other disposition of the body. When the local health officer is not a physician or when there is no such officer, the local agent may complete the certificate on the basis of information received from relatives of the deceased or others having knowledge of the facts.

If the circumstances of the case suggest that the death or fetal death was caused by other than natural causes, the local agent shall refer the case to the coroner for investigation and certification.

(c) A death certificate may be filed by the next of kin and accepted by the local agent without meeting the requirements set forth above when there has been a judicial finding and declaration by a court of record that a person is dead; provided, that there shall be attached to the death certificate the judgment, decision, order, or other document of a court of record adjudging the person to be dead.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

\*Edited accordingly.

SECTION 3. This Act shall take effect upon its approval.

(Approved May 10, 1975.)

## ACT 75

H.B. NO. 439

A Bill for an Act Relating to Interest Charges on Delinquent Real Property Taxes.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 246-49, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 246-49 Penalty for delinquency.** A penalty of ten per cent shall be added by the tax collector to the amount of all delinquent taxes, which penalty shall be and become a part of the tax and be collected as a part thereof.

All delinquent taxes and penalties shall bear interest at the rate of two-thirds of one per cent for each month or fraction thereof until paid, beginning with the first calendar month following the calendar month designated for payment in section 246-48. The interest shall be and become part of the tax and be collected as a part hereof.

No taxpayer shall be exempt from delinquent penalties by reason of having made an appeal on his assessment, but the tax paid, covered by an appeal duly taken, shall be held in a special deposit as provided in section 232-24."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 3. This Act shall take effect July 1, 1975.

(Approved May 10, 1975.)

## ACT 76

H.B. NO. 481

A Bill for an Act Relating to the Civil Air Patrol.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 261-6(a), Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 261-6 Grant for civil air patrol.** (a) The sum of \$75,000 annually is granted from the airport revenue fund to carry on the operations and defray the expenses of the Hawaii wing, civil air patrol; provided that not less than \$3,000 shall be allocated to each civil air patrol unit outside the city and county of Honolulu."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes may exclude the brackets, the bracketed material and the underscoring.\*

\*Edited accordingly.

SECTION 3. This Act shall take effect upon its approval.

(Approved May 10, 1975.)

ACT 77

H.B. NO. 516

A Bill for an Act Relating to Minors' Rights.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 577, Hawaii Revised Statutes, is amended as follows:

1. Section 577-1 is amended to read:

**"Sec. 577-1 Age of majority.** All persons residing in the State, who have attained the age of eighteen years, shall be regarded as of legal age and their period of minority to have ceased."

2. Sections 577-6 and 577-7 are amended to read:

**"Sec. 577-6 Duty of minor children.** All children during their minority shall obey the lawful commands of their parents, or the lawful commands of their natural or adoptive parents, or of the guardians appointed according to law.

**Sec. 577-7 Parents' control and duties.** Parents or, in case they are both deceased, guardians, legally appointed, shall have control over the conduct and education of their minor children. They shall have the right, at all times, to recover the physical custody of their children by habeas corpus. All parents and guardians shall provide, to the best of their abilities, for the discipline, support, and education of their children."

3. Section 577-9 is amended to read:

**"Sec. 577-9 Jury trial, when.** In trials of any person over the age of majority arising under sections 709-902, 709-903, 709-904, and 709-905, the person proceeded against shall have the right to a trial by jury which shall be granted as in other cases, unless waived. If the finding of the jury is against the person tried their verdict shall so state, in which event the court, in its discretion, may enter such judgment as it deems proper in the premises."

4. Section 577-15 is amended to read:

**"Sec. 577-15 Children deemed to be orphans.** For the purpose of taking, or determining eligibility to take, any benefit under any law or under any private instrument by the terms of which orphans are eligible to receive benefits, a child born of parents not married to each other and not adopted shall be deemed an orphan; provided that nothing in this section shall be construed (1) to deprive any such child of any rights of inheritance, or to support, or any other rights, to which the child would be entitled, or (2) to affect the liabilities of any other person with respect to any such child to which the person would be subject, if this section had not been enacted."

5. Section 577-16 is amended as follows:

**“Sec. 577-16 Curfew; children in public streets, prohibited when; penalty.** Any child under sixteen years of age who, except in case of necessity, or except when permitted so to do in writing by a judge of the family court, goes or remains on any public street, highway, public place, or private place held open to the public after ten o'clock in the evening and before four o'clock in the morning, unaccompanied by either a parent or guardian, or an adult person duly authorized by a parent or guardian to accompany the child, is subject to adjudication under section 571-11(1).”

6. Section 577-17 is repealed.

7. Sections 577-18 and 577-19 are amended to read as follows:

**“Sec. 577-18 Parents allowing children in street, prohibited when; penalty.** Any parent or guardian having the care, custody, and control of a child under sixteen years of age, who, except in case of necessity, knowingly and voluntarily suffers or permits such child to go or remain on any public street, highway or public place after ten o'clock in the evening and before four o'clock in the morning, unaccompanied by an adult person thereto authorized by such parent or guardian, shall be fined not more than \$100 or imprisoned not more than twenty days.

**Sec. 577-19 Children prohibited in certain places, when; penalty.** Any keeper of a coffee shop, ice cream parlor, victualing or billiard saloon, bowling alley, skating rink, theater, show house, or premises in which any show, moving picture, or other like public entertainment is given, who permits any child under the age of sixteen years to be or remain upon the premises or in the saloon, rink, theater, show house, or premises, or in whose premises such child may be found between the hours of ten in the evening and six in the morning, unless the child is accompanied by his parent or guardian, or some other adult person thereto authorized by such parent or guardian, shall be fined not more than \$100.”

8. Sections 577-21 through 577-24 are amended to read as follows:

**“Sec. 577-21 Curfew ordinances, effect.** Each of the counties may enact and enforce ordinances regulating the presence of children in public places and on public streets and roads during certain hours at night.

Upon each of the counties enacting an ordinance pertaining to curfew for children, then so far as that county is concerned, the ordinance shall have full force and effect, and shall supersede sections 577-16, 577-18, 577-19 and 577-20 until the ordinance is repealed or otherwise made invalid.

**Sec. 577-22 Female dancing partners, male patrons, age limit.** It shall be unlawful for any unmarried minor to frequent, be, or remain upon, in or around the premises of any dance hall where female persons receive any remuneration or compensation, either directly or indirectly, for acting as dancing partners to the male patrons of the dance hall. The acceptance or receipt of any of the proceeds of the sale of any article to any male patron of the dance hall by any such female person under eighteen, or by anyone acting on her behalf, constitutes the receiving or remuneration or compensation within the meaning of this section. Any minor violating this section is subject to adjudication under section 571-11(1).

## ACT 78

**Sec. 577-23 Parent et al. responsibility, penalty.** Any parent, guardian, or other person having the care, custody, or control of an unmarried minor, who knowingly permits such minor to violate section 577-22, shall be fined not more than \$50 or imprisoned not more than thirty days.

**Sec. 577-24 Escort's responsibility; penalty.** Any person who knowingly takes, escorts, or accompanies any unmarried minor to a dance hall which the minor is prohibited from attending by section 577-22, or who invites or encourages the minor to attend such dance hall, shall be fined not more than \$100 or imprisoned not more than ninety days."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 3. This Act shall be effective upon its approval.

(Approved May 10, 1975.)

## ACT 78

H.B. NO. 605

A Bill for an Act Relating to Audit and Accounting.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 40-59, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 40-59 Comptroller to keep list of salaries, contracts, bids, etc.** The comptroller shall keep in his office in a convenient form for easy reference a correct list of all state permanent settlements, specific salaries, payrolls, subsidies, rents, contracts, and all bids for materials and supplies; and in auditing all bids for service rendered or merchandise supplied, or other bills against the State, he shall compare all rates and prices charged with the list, and disallow all amounts in excess of the current rates and prices, as shown by the list, or that in his judgment are excessive."

SECTION 2. Material to be repealed is bracketed. In printing this Act, the revisor of statutes may exclude the brackets and the bracketed material.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 10, 1975.)

## ACT 79

H.B. NO. 1877

A Bill for an Act Relating to the Department of Social Services and Housing.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 26-14, Hawaii Revised Statutes, is amended to read:

\*Edited accordingly.

**“Sec. 26-14 Department of social services and housing.** The department of social services and housing shall be headed by a single executive to be known as the director of social services.

There shall be within the department of social services and housing a commission to be known as the board of social services which shall sit in an advisory capacity to the director of social services on matters within the jurisdiction of the department of social services and housing. The board shall consist of nine members, one from each senatorial district and three at large, and the director of health as an ex officio nonvoting member.

There shall also be within the department a commission to be known as the board of vocational rehabilitation which shall sit in an advisory capacity to the head of that division charged with the administration of vocational rehabilitation laws and allied services. The board shall consist of eleven members, one from each judicial circuit and four at large, with the directors of health and labor, and the superintendent of education, as ex officio voting members.

The department shall administer programs designed to improve the social well-being and productivity of the people of the State. Without limit to the generality of the foregoing, the department shall concern itself with the problems of human behavior, adjustment, and daily living through the administration of programs of family, child and adult welfare, economic assistance (including costs of medical care), rehabilitation toward self-care and support, delinquency prevention and control, treatment and rehabilitation of adult and juvenile offenders, public housing, and other related programs as provided by law.

The Hawaii housing authority, as now constituted by chapter 356 shall be a constituent corporate unit of the department of social services and housing with the director of social services as an additional commissioner, ex officio, of the housing authority, serving for a term consistent with his appointment. Notwithstanding any other provisions of this chapter, but subject to the administrative control of the director of social services, the functions, duties, and powers of the housing authority, as heretofore provided by law, shall be vested in the Hawaii housing authority.

The board of paroles and pardons is placed within the department of social services and housing for administrative purposes. The functions, duties, and powers, subject to the administrative control of the director of social services, and the composition of the board shall be as heretofore provided by law.

The functions and authority heretofore exercised by the department of public welfare, the department of institutions (except for Waimano home and the state hospital transferred to the department of health), the board of prison inspectors, the bureau of sight conservation and work with the blind (except for the transcription services program transferred to the department of education), the council on veterans' affairs, and any other agency of the state or county governments with respect to the assistance and care of the indigent and medically indigent as heretofore constituted are transferred to the department of social services and housing established by this chapter.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 10, 1975.)

A Bill for an Act Relating to the Anatomical Gift Act.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 286, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“Sec. 286- Designation of anatomical gift.** The highway safety coordinator shall provide a method permitting a person making application for a driver’s license, or renewal thereof, to designate that he, pursuant to the Uniform Anatomical Gift Act, is a donor of body organs or parts upon his death. Upon such designation, the examiner of drivers shall make a suitable notation upon the license indicating that the person is a donor.

SECTION 2. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 13, 1975.)

A Bill for an Act Relating to Unlawful Transfer of Sound Recordings.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

**“CHAPTER  
COPYRIGHTS IN SOUND RECORDINGS**

**Sec. -1 Unlawful transfer of recorded sounds.** It shall be unlawful for any individual, firm, partnership, corporation or association to transfer or cause to be transferred, without the consent of the person who owns the master phonograph record, master disc, master wire, master tape, master film or other device or article from which the sounds are derived, any sounds

\*Edited accordingly.



recorded on a phonograph record, disc, wire, tape, film, or other article on which sounds are recorded, with intent to sell or cause to be sold, or use or cause to be used for profit through public performance the article onto which such sounds are recorded.

**Sec. -2 Sale of unlawfully recorded sounds.** It is unlawful to advertise, offer for sale, or sell any article onto which sounds have been transferred as described in section -1 with the knowledge that the sounds have been transferred without the consent of the owner.

**Sec. -3 Sale or rental of recording equipment for unlawful use.** It is unlawful for any person to offer or make available for a fee, rental, or any other form of compensation, directly or indirectly, any equipment or machinery with the knowledge that it will be used by another to reproduce, without the consent of the owner, any phonograph record, disc, wire, tape, film, or other article on which sounds have been transferred for the purpose of capitalizing commercially on such reproduction.

**Sec. -4 Lawful uses; defined.** This chapter shall not apply to any person who transfers or causes to be transferred any sounds intended for or in connection with radio or television broadcast transmission or related uses, for archival purposes, or solely for the personal use of the person transferring or causing the transfer and with no purpose of capitalizing commercially on such reproduction.

**Sec. -5 Penalty.** Any person who violates this chapter shall be guilty of a misdemeanor.

SECTION 2. This Act shall take effect upon its approval.

(Approved May 13, 1975.)

**ACT 82**

S.B. NO. 1732

A Bill for an Act Relating to the Establishment of an Educational Non-Profit Public Corporation to Administer and Operate the Center for Cultural and Technical Interchange Between East and West.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Short title. This Act shall be known and may be cited as the "East-West Center Corporation Act."

SECTION 2. Statement of findings and declaration of purpose. The legislature hereby finds and declares that: (a) the United States Congress, in order to promote better relations and understanding between the United States and the nations of Asia and the Pacific (hereinafter referred to as "the East") through cooperative study, training, and research has enacted legislation authorizing the establishment in the State of Hawaii of a center for cultural and technical interchange between East and West (hereinafter referred to as the "East-West center") where scholars and students in various fields from the nations of the East and West may study, give and receive training, exchange views and ideas, and maintain a balance of cultural and technical programs, and conduct other activities in support of the objectives of the acts

of the Congress promoting the international educational, cultural, and related activities of the United States; (b) the Congress has designated the State of Hawaii as the location of the East-West center because of its geographical position and its unique multi-cultural society, which make Hawaii an important link between the United States and the East; (c) the secretary of state, at the direction of the Congress, has provided for the establishment of the East-West Center in Hawaii as an educational institution and has provided for grants, fellowships, scholarships and other payments to outstanding scholars and authorities and qualified students from the nations of the East and West and has further provided for making the facilities thereof available for study or training to other qualified persons; (d) the Congress has appropriated funds thus far in the amount of approximately \$95 million to enable the secretary of state to provide for the establishment and continued operation of the East-West center and otherwise to carry out the provisions of the authorizing legislation by making such funds available by grant to the University of Hawaii, which the governor of the State had heretofore designated as the appropriate agency of the State to make arrangements with the secretary of state to administer the East-West center; (e) the State, and particularly the university, have closely cooperated with and assisted the secretary of state in this endeavor by making available land, facilities and services and desire to give continuing assistance to the East-West center; (f) as the result of the combined efforts of these parties, the East-West center has attained a high degree of international recognition and stature as a national educational institution dedicated to the promotion of better relations and mutual understanding between the East and West; (g) the existence of the East-West center in Hawaii has greatly benefitted the United States as well as the State, particularly in their relations with the nations of the East; (h) the East-West center has now attained that degree of institutional and programmatic maturity such that its further development and its effective fulfillment of its objectives can best be achieved through the establishment of an educational non-profit public corporation to make arrangements with the secretary of state to administer and operate the East-West center; (i) the establishment of such corporation would continue and enhance the special and unique relationship between the State and the rest of the United States which is embodied in the East-West center; (j) the governor has indicated that he will designate such corporation to make arrangements with the secretary of state to administer the East-West center; (k) it is also desirable and appropriate that such corporation enhance the role of the East-West center among the nations of the East and the West by making available and promoting the use of the facilities of the East-West center by qualified persons for study, training, and research in matters of East-West significance; (l) for these purposes, there should be created an educational non-profit public corporation known as the "Center For Cultural And Technical Interchange Between East And West, Inc." which would make arrangements with the secretary of state to administer and operate the East-West center as an educational institution and would make available the facilities of the East-West center for study, training, and research in matters of East-West significance to promote better relations and mutual

understanding between East and West; and (m) it is declared as a matter of legislative determination that such an educational non-profit public corporation organized for such purposes, with the powers and authorities necessary to accomplish them, and continuing and enhancing the special and unique relationship between the State and the rest of the United States cannot be created under any general law, and that such a corporation being necessary and proper to obtain the ends heretofore recited, it should be created by a special act of the legislature.

**SECTION 3. Definitions. As used in this Act:**

(a) "Authorizing legislation" means Public Law 86-472, chapter VII, enacted by the United States Congress.

(b) "East-West center" means the center for cultural and technical interchange between East and West established in Hawaii pursuant to the authorizing legislation.

(c) "Corporation" means the educational non-profit public corporation created by this Act.

(d) "Governor" means the chief executive officer of the State.

(e) "Secretary of state" means the secretary of state of the United States department of state.

(f) "Assistant secretary of state" means the assistant secretary of state for educational and cultural affairs of the United States department of state, or his successor.

(g) "University" means the University of Hawaii or the board of regents of the University of Hawaii, or both, as the context shall indicate.

(h) "Legislature" means the legislature of the State of Hawaii.

**SECTION 4. Establishment of the Center for Cultural and Technical Interchange Between East and West, Inc.** There is created an educational non-profit public corporation to be known as the "Center For Cultural And Technical Interchange Between East And West, Inc." The corporation shall be devoted to the educational purposes of this Act and shall not be used to conduct non-educational foreign policy goals of the United States or any other governments. The corporation shall not be considered a department, agency, or public instrumentality of the State, and shall not be subject to the laws of the State applying to departments, agencies and public instrumentalities of the State, except that the corporation shall be subject to all the laws of the State pertaining to non-profit corporations.

**SECTION 5. Purposes of the corporation.** The corporation shall have the following purposes:

(a) To promote better relations and understanding between the United States and the nations of the East through the administration and operation of the East-West center as an educational institution operating in furtherance of the objectives of the act of the United States Congress authorizing the establishment of the East-West center, and to accomplish this purpose as the appropriate agency designated by the governor to make arrangements with the secretary of state therefor;

(b) To promote among the nations of the East and the West the use of the East-West center by qualified persons for cooperative study, training and research in matters of East-West significance, and thus lead to better relations and understanding as to such matters;

(c) To provide grants, fellowships, and other payments to outstanding scholars and authorities from the nations of the East and the West as may be necessary to attract such scholars and authorities to the East-West center; and

(d) To provide grants, scholarships, and other payments to qualified students from the nations of the East and the West as may be necessary to enable such students to engage in study or training at the East-West center.

SECTION 6. Powers and duties of the corporation. Except as otherwise limited by this Act, the corporation shall have the following powers and duties and shall:

(a) Have succession and corporate existence in perpetuity;

(b) To adopt, amend and repeal bylaws providing for its organization and internal management and governing the conduct of its business and the performance of the powers and duties granted to or imposed upon it by law consistent with this Act and the Act of the United States Congress authorizing the establishment of the East-West center and other relevant laws of the United States and the State; provided that all meetings for the adoption, amendment and repeal of bylaws shall be open to the public, and public notice of any such meeting, including an agenda of items to be discussed at the meeting, shall be announced at least fourteen days in advance and published at least twice in a newspaper of general circulation in the State within the fourteen days but at least seven days prior to the meeting.

(c) Adopt and use a common seal;

(d) Acquire in any lawful manner any property, real, personal, or mixed, tangible or intangible, or any interest therein; to hold, maintain, use, manage, and operate the same; and to sell, lease, rent, or otherwise dispose of the same at such time, in such manner, and to the extent deemed necessary or appropriate to carry out its purposes;

(e) Enter into and perform such contracts, leases, cooperative agreements, or other arrangements as may be necessary to carry out the purposes of this Act and on such terms as it may deem appropriate with any agency or instrumentality of the United States, another nation, a state, territory, or possession, or with any political subdivision of any of the foregoing, or with any person, firm, association, institution, corporation, or organization, whether private, governmental, or international and whether located within or outside of the United States;

(f) Determine the character of and necessity for its obligations and expenditures, and the manner in which the same shall be incurred, allowed, and paid;

(g) Seek, receive and accept from public and private sources whether located within or outside of the United States, by grants, gifts, devices, bequests or otherwise money and property, real, personal, or mixed, tangible

or intangible, absolutely or in trust, to be used in carrying out the purposes of this Act;

(h) Serve as trustee and be named a beneficiary under the terms of any gift, indenture or will;

(i) Appoint and discharge a chief executive officer, subordinate officers, employees, and agents as the business of the corporation requires, and to classify, prescribe the duties and qualifications, and fix the compensation and benefits of all officers, employees, and agents of the corporation;

(j) Establish such policies and procedures as may be necessary, including a personnel system and a budget system;

(k) Enter into employee collective bargaining agreements in conformance with all applicable laws;

(l) Establish an international advisory board of not less than seven nor more than eleven members, whose terms shall be as set forth in the bylaws of the corporation, to advise the corporation on programmatic matters, and to establish such other committees, boards, and bodies as it may from time to time deem desirable, and to prescribe their duties and responsibilities;

(m) Grant a special certificate to individuals who have successfully completed programs of study, training and research conducted by the East-West center;

(n) Establish and maintain, and to assist in establishing and maintaining, scholarships, fellowships, lectureships, chairs, and other staff positions, and to enter into contracts, agreements, and other arrangements with any person, firm, association, institution, corporation, or organization, whether private, governmental, or international and whether located within or outside of the United States, for this purpose, and to pay the necessary and appropriate costs and expenses therefor;

(o) Collect fees and other charges for programs, facilities, services, and educational products, and to hold copyright;

(p) Sue and be sued in its corporate name, except that the corporation shall be immune from any writ of attachment and execution against its assets;

(q) Delegate any of the powers of the corporation to any standing or special committee, board, or body, or to any officer or agent, upon such terms as it deems fit except for the powers granted under subsection (b) hereof;

(r) Execute, in accordance with its bylaws, all contracts and other instruments necessary or appropriate for the exercise of its powers under this Act; and

(s) To do any and all things necessary or appropriate to carry out its purposes and exercise the powers given and granted in this Act.

**SECTION 7.** Board of governors; appointment; tenure; qualifications; meetings.

(a) The corporation shall have a board of governors which shall manage and control the affairs of the corporation and shall exercise all of the powers of the corporation, except to the extent that they have been delegated by this Act or pursuant to action by the board of governors. The board shall consist of eighteen members as follows:

- (1) The governor, or his designee, shall be an ex officio member, and the governor shall appoint five members who are residents of the State of Hawaii to serve at his pleasure during their terms of office as provided herein;
- (2) The assistant secretary of state, or his designee, shall be an ex officio member, and the secretary of state shall appoint five members to serve at his pleasure during their terms of office as provided herein;
- (3) The president of the university shall be an ex officio, non-voting member who shall serve as the chairman until such time that a chairman is elected by the board from the membership.
- (4) The remaining five members shall be elected by the members of the board.

(b) The term of each appointed or elected member of the board shall be three years, except for those members of the initial board who shall be appointed or elected, as the case may be, and serve terms as follows:

- (1) The governor shall appoint two members for terms of one year, two members for terms of two years and one member for a term of three years.
- (2) The secretary of state shall appoint two members for terms of one year, two members for terms of two years and one member for a term of three years.
- (3) Of the remaining members, two members shall be elected for terms of one year, two members for terms of two years and one member for a term of three years.

Each appointed or elected member, and each initial member appointed or elected for a particular term, of the board shall continue to serve until the successor to such member has been appointed or elected. The term of the initial members shall be computed from the date of the first meeting of the board. The term of each elected member other than the initial members shall be computed from the date of termination of the preceding term, or if there is no preceding term, then from the date of the first meeting of the board following such member's appointment or election. Any member appointed or elected to fill a vacancy occurring prior to the expiration of the term for which such member's predecessor was chosen shall serve for the remainder of such term. No appointed or elected member may serve more than three terms, except that those initial members appointed to a term of less than three years may be appointed or elected to serve for not more than three subsequent terms.

(d) In connection with all appointments or elections to the board, due consideration shall be given to the selection of distinguished individuals who represent a cross-section of educational, cultural, business, labor and public service backgrounds, possess knowledge of, experience in, or profound interest in international, cultural and educational affairs, and in due course reflect as appropriate the different geographical areas encompassed by the programs and activities of the East-West center. Due consideration shall also be given to ensuring that the board appropriately reflects the national character of the East-West center.

(e) Except for the president of the University of Hawaii, employees on the academic, professional, and administrative staff of the East-West center and the University of Hawaii shall be ineligible to be appointed or elected to serve on the board;

(f) The board shall meet at least twice a year and at such time as the board deems necessary. At least half of the number of all meetings of the board in any year shall be held in the State. Public notice of a board meeting, including an agenda of items to be discussed at such meeting, shall be given at least fourteen days in advance. The notice shall be mailed to all persons who have made a timely request of the board for advance notice of its meeting and shall be published at least twice in a newspaper of general circulation in the State.

#### SECTION 8. Officers and employees.

(a) The board shall appoint a chief executive officer of the corporation, who shall serve at the pleasure of the board and shall be designated by an appropriate title, to administer the East-West center.

(b) The chief executive officer, subject to approval by the board, shall appoint and remove such subordinate officers and other employees and duly authorized representatives of the corporation as he determines, in consultation with the board, to be necessary to carry out the purposes of the corporation; provided that the board shall have the right to delegate to the chief executive officer or to committees or otherwise the right to appoint such subordinate officers, employees, and duly authorized representatives without approval of the board.

(c) The chief executive officer, employees and duly authorized representatives of the corporation shall be compensated at rates determined by the board.

(d) The chief executive officer, or his designee, shall be available for monthly meetings with participants on matters of mutual interest.

(e) All employees of the corporation shall have full rights under all applicable laws to self-organization, to form, join, or assist labor organizations to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection and shall have the right to refrain from any or all such activities except to the extent that such right may be affected by an agreement requiring membership in a labor organization as a condition of employment as may be permitted under all applicable laws; provided that the corporation shall recognize the continuing effect of collective bargaining agreements in effect on the effective date of this Act covering employees of the East-West center until such agreements are altered or amended by the parties in conformance with all applicable laws.

(f) Except as otherwise specifically provided in this Act, the chief executive officer, any subordinate officers, and other employees and duly authorized representatives of the corporation shall not be considered officers or employees of the State for the purposes of any state law, regulation or executive order.

**SECTION 9. Academic freedom.** The corporation shall uphold and preserve academic freedom in all of the programs and activities of the East-West center. The corporation shall adopt a policy statement on academic freedom which shall extend to all programs and activities and all participants and staff of the East-West center. The corporation shall neither conduct nor support any classified activity or research and it shall make the results of its activities and research available to the public.

**SECTION 10. (Not used.)**

**SECTION 11. Special limitations.**

(a) The corporation shall have no power to issue any shares of stock, or to declare or pay any dividends.

(b) No part of the income or assets of the corporation shall inure to the benefit of any member of the board, the chief executive officer, any employee, or any individual, except as reasonable compensation for services or reimbursement for expenses.

(c) The corporation shall not undertake to influence the policy and passage or defeat of any legislation by the United States Congress or by any state or local legislative bodies or by any legislative body of any other nation, except that members of the board and personnel of the corporation may testify or make other appropriate communications where formally requested to do so by a legislative body or a committee or a member thereof, or in connection with legislation or appropriations directly affecting the East-West Center.

(d) The corporation shall not contribute to, participate or intervene in, or otherwise support or assist any political party or association, or the campaign of any candidate for public or party office.

**SECTION 12. Records and reports.**

(a) The corporation shall keep accurate and complete books of account and minutes of the proceedings of the board and of any committees, boards, or bodies to which the board has delegated any of its powers.

(b) The corporation shall publish an annual report which shall be filed by the corporation with the governor and the secretary of state, the legislature, the president of the University of Hawaii, and the director of regulatory agencies who shall maintain a copy for public inspection during regular office hours.

**SECTION 13. Dissolution.** In the event of the dissolution or liquidation of the corporation, all assets remaining after satisfaction of, or provision for satisfaction of, all obligations, debts, and liabilities of the corporation shall be distributed to a non-profit fund, foundation, or corporation which is organized and operated exclusively for educational purposes and which has established its tax exempt status under section 501(c)(3) of the Internal Revenue Code of 1954, as amended, or to the United States, or to the State; provided that all lands designated in perpetuity for the East-West center by the board of regents and the buildings and fixtures thereon or hereafter constructed thereon and affixed thereto shall remain in the University of Hawaii.



## SECTION 14. Transition provisions.

(a) The disposition of the rights and powers acquired, and the duties, obligations, and liabilities incurred, by the university in its administration of the East-West Center as well as the disposition of the assets, equipment, appropriated funds, property, and records involved in the administration of the East-West Center shall be covered by agreements concluded by the university, the board of governors of the corporation, and the secretary of state, to enter into full force and effect upon the effective date of this Act;

(b) No later than six months from the effective date of this Act, all persons who were working for the East-West Center as of December 31, 1974 and who (i) fall within the definition of "employee" contained in chapter 89 or are top-managerial and administrative personnel or are individuals concerned with confidential matters affecting employer-employee relations, and (ii) are covered under the employment security provisions of any applicable collective bargaining agreements then in effect, shall elect to become or not to become employees of the corporation. Each such person who elects not to become an employee of the corporation shall continue in his employment arrangements existing prior to such date, with appropriate reimbursement for future services by the corporation to the university, and shall thereupon be subject to the following provisions, as applicable:

- (1) An employee who is a board of regents appointee shall be entitled to receive not more than two reasonable offers from the university for employment with the university in positions appropriate to his specialty, rank, and compensation. If such employee declines both offers, the university shall be under no further obligation with respect to the employment of such employee, subject to any applicable collective bargaining agreements then in existence, as may be amended from time to time.
- (2) An employee who is a State civil service employee shall be placed on the select priority list of the department of personnel services in accordance with section 2.303a(1) of the rules and regulations of such department, and shall be entitled to receive not more than two reasonable offers for positions within the State civil service for which he applies and is qualified. If such employee declines both offers, the department of personnel services shall be under no further obligation with respect to the employment of such employee, subject to any collective bargaining agreements then in existence, as may be modified from time to time.

It is the intent of the legislature that the transfer of those so electing to positions within the university or other State departments be accomplished with maximum consideration of their interests as employees.

(c) (1) In determining the service credits of its employees, the corporation shall credit service with the university or the State performed by board of regents appointees or State civil service employees who elect to become employees of the corporation within the six-month election period provided for in subsection (b) above on the same basis as it would credit such service had the same been performed in the employ of the corporation, provided that

the corporation shall not credit such service for those employees of the corporation electing either of the options under subsection (e)(1) or (2) of this Act for the purpose of determining membership service in the retirement system established by the corporation.

(2) In determining the service credits of board of regents appointees, the university, in accordance with applicable university policies and collective bargaining agreements then in effect, shall credit service with the East-West center performed by such employees who elect to remain employees of the university no later than six months from the effective date of this Act as provided for in subsection (b) above on the same basis as it would credit such service had the same been performed in the employ of the university.

(d) (1) In determining the vacation and sick leave of its employees, the corporation shall credit the vacation and sick leave accumulated and earned by board of regents appointees or State civil service employees who elect to become employees of the corporation within the six-month election period provided for in subsection (b) above as of the date of such election on the same basis that such accumulated and earned vacation and sick leave would have been credited for such employees prior to the effective date of the Act. The university shall transfer to the corporation any funds accumulated for vacation credits on behalf of those board of regents appointees and State civil service employees who elect to become employees of the corporation.

(2) In determining the vacation and sick leave of board of regents appointees, the university shall credit the vacation and sick leave accumulated and earned by such employees who elect to remain employees of the university no later than six months from the effective date of this Act as provided for in subsection (b) above on the same basis as it would credit such vacation and sick leave had the same been accumulated and earned in the employ of the university. The corporation shall, at the time such employee accepts other employment as provided in subsections (b)(1) or (2) above, transfer to the university funds adequate to meet his vacation credits earned while working at the East-West center.

(e) No later than six months from the effective date of this Act, all persons who were working for the East-West center as of December 31, 1974 who (i) fall within the definition of "employee" contained in chapter 88 and (ii) elect to become employees of the corporation, shall elect one of the following options:

- (1) To continue to be a member in the State retirement system established by chapter 88, and the corporation shall deposit currently in such system an amount equal to the combined total amount of the employee deductions and employer contributions required by chapter 88; for the purpose of this subparagraph (1) only, the employee of the corporation shall be considered as an "employee" under chapter 88; or
- (2) To cease to be a member in the State retirement system but to receive an annuity and other benefits as provided in chapter 88, and to become a member of the retirement system established by the corporation; or

(3) To cease to be a member in the State retirement system and to withdraw his contributions in accordance with chapter 88 and to become thereafter a member of the retirement system established by the corporation.

(f) Collective bargaining agreements in effect on the effective date of this Act covering employees of the East-West center shall continue in full force and effect and shall be recognized by the corporation until the termination date of such agreements, or until mutually modified by the parties. On the effective date of this Act, the corporation shall succeed to all of the rights, powers, duties, and obligations of the university thereunder as the same pertain to and affect the East-West center, and the corporation and the recognized employee representative thereunder shall, as mutually agreed upon, modify such agreements to reflect such succession.

(g) The legislature expresses its desire that the assistant secretary of state, or his designee, shall take such action as may be necessary and desirable, with the president of the university, to arrange for and ensure the orderly continuation of programs and activities in effect on the effective date of this Act in which both the university and the East-West center are involved.

SECTION 15. No residential dormitory space within the University of Hawaii Manoa campus, except those certain residential dormitory buildings identified as Hale Manoa and Lincoln Hall, may be converted for other than residential dormitory use.

SECTION 16. Except for the original area of land made available by the university for East-West center purposes, pursuant to the grant-in-aid agreements previously entered into by the university and the department of State, as continued and amended, any disposition of land or granting of any right or interest in land by the university to the corporation or the federal government for the purposes of the corporation shall be subject to the approval by a majority vote of each house of the legislature in joint session.

SECTION 17. Any development and construction of improvements for new East-West center buildings on the University of Hawaii Manoa campus shall be subject to the prior approval of the university.

SECTION 18. Severability. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 19. Sections affected.

(a) Section 88-21, Hawaii Revised Statutes, is amended by amending the definition of "employee" to read as follows:

"Employee": any employee or officer of the State or any county, including inspectors, principals, teachers and special teachers, regularly employed in the public schools, cafeteria managers and cafeteria workers, apprentices and on-the-job trainees whether or not supported in whole or in

part by any federal grants, members of the legislature and other elective officers, legislative employees who are employed on a full time basis during and between sessions, probationary and provisional employees, any employee of the educational nonprofit public corporation as provided in section 88- , per diem employees and others who are made eligible by reason of their employment to membership in the system by or pursuant to any other provision of law, but excluding:

- (1) Per diem employees who elect to withdraw or not to become members as provided in section 88-42;
- (2) Members of the legislature who do not elect to be members as provided in section 88-42;
- (3) Persons excluded by rules of the board pursuant to section 88-43.

An individual is an employee during the period of a leave of absence if he is in service, as defined in this part, during the period of the leave of absence and the board shall determine who are employees within the meaning of this part."

(b) Chapter 88, Hawaii Revised Statutes, is amended by adding a new section to read:

**"Section 88. East-West center employees.** Any employee of the center for cultural and technical interchange between East and West, Inc., a Hawaii educational non-profit public corporation, who elected to remain a member of the system pursuant to section 14(e)(1) of the Act establishing such corporation, shall be entitled to all benefits and required to make all employee contributions under the system for the period during which such employee remains in the employ of such corporation and a member of the system, and such corporation shall be responsible for the remittance of all employer and employee contributions required to be made under the system."

(c) New material is underscored. In printing this Act, the revisor of statutes need not include the underscoring.\*

SECTION 20. This Act shall take effect on July 1, 1975.

(Approved May 14, 1975.)

ACT 83

H.B. NO. 106

A Bill for an Act Relating to Evidence in Rape Trials.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 7, Part V, Hawaii Penal Code, Title 37, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**"Sec. 707- Evidence of sexual conduct; credibility.** (a) In any prosecution under sections 707-730, 707-731, and 707-732, Hawaii Revised Statutes, or for attempt to commit, or conspiracy to commit any crime defined in any such section, if evidence of sexual conduct of the complaining witness is of-

\*Edited accordingly.

ferred to attack the credibility of the complaining witness, the following procedure shall be followed:

- (1) A written motion shall be made by the defendant to the court and prosecutor stating that the defense has an offer of proof of the relevancy of evidence of the sexual conduct of the complaining witness proposed to be presented and its relevancy in attacking the credibility of the complaining witness.
- (2) The written motion shall be accompanied by an affidavit in which the offer of proof shall be stated.
- (3) If the court finds that the offer of proof is sufficient, the court shall order a hearing out of the presence of the jury, if any, and at such hearing allow the questioning of the complaining witness regarding the offer of proof made by the defendant.
- (4) At the conclusion of the hearing, if the court finds that evidence proposed to be offered by the defendant regarding the sexual conduct of the complaining witness is relevant and is not inadmissible for any reason, the court may make an order stating what evidence may be introduced by the defendant, and the nature of the questions to be permitted. The defendant may then offer evidence pursuant to the order of the court.

(b) As used in this section "complaining witness" means the alleged victim of the crime charged, the prosecution of which is subject to this section."

SECTION 2. New statutory material is underscored. In printing this Act, the revisor of statutes need not include the underscoring.\*

SECTION 3. This Act shall take effect upon its approval; but shall not affect rights and duties that mature, penalties that were incurred, and proceedings that were begun, before its effective date.

(Approved May 14, 1975.)

## ACT 84

S.B. NO. 1188

A Bill for an Act Relating to Certain Positions in the University of Hawaii.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. This Act shall relate only to those exempt employees employed by the State in the University of Hawaii.

SECTION 2. Permanent employees currently not in civil service who are employed as typist II, Office of Student Affairs, Student Activities Bureau, and clerk II, Department of Athletics, in the University of Hawaii shall be converted to permanent civil service status within the meaning of chapters 76 and 77 without the necessity of examination and shall be accorded all the

\*Edited accordingly.

rights, benefits, and privileges attributable thereto. Such rights and privileges shall include seniority, prior service credit, vacation and sick leave credits, and other benefits and privileges accorded employees with civil service status. Employees so converted shall not suffer a reduction in their pay rate.

SECTION 3. This Act shall take effect upon its approval.

(Approved May 14, 1975.)

A Bill for an Act Relating to the Compensation of Certain Persons under the Criminal Injuries Compensation Act and Providing Appropriations Therefor.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The following respective sums of money are hereby appropriated out of the general revenues of the State of Hawaii for the purpose of compensating the following named persons pursuant to chapter 351, Hawaii Revised Statutes, the Criminal Injuries Compensation Act, in the amounts set out opposite their respective names.

ABE, Brian	\$ 575.00
Case No. 73-99	
AGMATA, Victor Jr.	100.00
Case No. 73-43 (Attorney for Oscar Gutierrez)	
AGMATA, Victor Jr.	240.00
Case No. 73-93 (Attorney for Lucia Rosita Cardenas)	
AGUINALDO, Paz V.	364.28
Case No. 74-25	
AMA, Richard T.	325.00
Case No. 73-33	
ANDREWS, Wayne	122.08
Case No. 73-136	
AQUINO, Ambrocio	4,062.31
Case No. 73-111	
AQUINO, Arsenia	5,382.69
Case No. 73-95	
ARAKAWA, Thomas T.	151.32
Case No. 73-121	
AYALA, Cecelia	135.39
Case No. 72-69	
BEAL, Donald L.	235.00
Case No. 72-100	
BOUSLOG, Harriet	350.00
Case No. 73-35 (Attorney for Teresita B. Fernando)	
BOYD, Robert J.	190.00
Case No. 73-114	
BRAULT, Dr. Roger	222.52
Case No. 73-145 (Medical Services)	
BRIDDA, Louis	1,045.00
Case No. 72-90	
BRIDGES, Gene	1,461.75
Case No. 71-154 (Attorney for Mary Horner)	

BRIDGES, Gene	255.00
Case No. 74-40 (Attorney for Mary Buddenhagen)	
BROWDER, James Jr.	251.95
Case No. 73-48	
BUDDENHAGEN, Mary R.	1,445.00
Case No. 74-40	
CARDENAS, Lucia Rosita	9,505.00
Case No. 73-93	
CARREIRA, Pauline	2,210.00
Case No. 73-58	
CASCO, Leoncio	650.00
Case No. 73-104	
CASTLE MEMORIAL HOSPITAL	348.10
Case No. 73-145 (Medical Services)	
CASTLE MEMORIAL HOSPITAL	128.65
Case No. 74-9 (Medical Services)	
CHOCK, Patricia	89.80
Case No. 73-148	
CHRISTENSEN, Steven	125.00
Case No. 74-32 (Attorney for Hilloah Reagh)	
COSBY, Howard	300.00
Case No. 74-9	
COSTA, Joan P.	109.04
Case No. 73-87	
CRAIG, Michael	650.00
Case No. 74-8	
CREIGHTON, JOHN Jr.	250.00
Case No. 73-39	
DAVIS, Lorna	536.00
Case No. 73-109	
DAVIS, Margaret	307.64
Case No. 73-80	
DOI, Alan I.	1,958.13
Case No. 74-65	
EDMONDS, George	375.60
Case No. 74-118	
EMERGENCY GROUP	22.29
Case No. 73-145 (Medical Services)	
ESPERAS, Darlene	665.23
Case No. 73-152	
ESTATE OF ROBERT SEELYE	105.00
Case No. 72-100 (Medical Services)	
ESTATE OF ROBERT SEELYE	31.00
Case No. 73-12 (Medical Services)	
FARIS, Carol M.	800.00
Case No. 74-53	
FARIS, Elsie	266.64
Case No. 74-53	
FARMER, Richard S.	169.58
Case No. 74-7	
FERNANDO, Teresita B.	2,250.00
Case No. 73-35	
FORD, Lucille	2,394.76
Case No. 73-103	
FRASER, Richard D.	1,202.29
Case No. 74-2	
GARCIA, Max	50.00
Case No. 72-145 (Attorney for Elmer Tolentino)	

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GIBBS, Rachel	200.00
Case No. 73-153	
GIRODAY, Michael	500.00
Case No. 73-85 (Attorney for Daniel Prain)	
G. N. WILCOX MEMORIAL HOSPITAL	47.80
Case No. 74-66 (Medical Services)	
GUTIERREZ, Oscar	372.55
Case No. 73-43	
HAHN, Richard	524.00
Case No. 73-134	
HALL, Nadae	398.60
Case No. 72-84	
HANALEI CLINIC	16.00
Case No. 73-22 (Medical Services)	
HARRIS, Laurel J.	475.00
Case No. 73-77	
HART, Patricia	50.00
Case No. 73-109 (Medical Services)	
HAWAII EMERGENCY PHYSICIANS ASSOC.	144.70
Case No. 74-118 (Medical Services)	
HIGA, Patricia	980.00
Case No. 74-49	
HIGHTOWER, John E.	740.39
Case No. 73-151	
HILLSTROM, Karen L.	1,256.00
Case No. 74-72	
HOLBROOK, Jane E.	800.00
Case No. 74-66	
HOLMAN, Robert A.	229.52
Case No. 74-117	
HONG, Daniel	256.50
Case No. 73-71	
HORNER, Mary	8,283.25
Case No. 71-154	
HUGHES, Laverle	2,206.37
Case No. 73-126	
HURLEY, Amelia	2,181.85
Case No. 74-19	
ISAACS, Lester	280.58
Case No. 74-76	
JOHNSON, Ursula	1,180.00
Case No. 73-7	
KAI-AWE, Annie K.	325.00
Case No. 73-124	
KAISER MEDICAL CENTER	60.00
Case No. 74-23 (Medical Services)	
KAKAZU, Nobuo	250.00
Case No. 74-18	
KALUA, Alfred K. Jr.	75.00
Case No. 74-20	
KAMAI, Joseph K. Jr.	296.13
Case No. 74-68	
KAMA-KELE, John O. III	213.04
Case No. 72-166	
KANEAKUA, Henry	6,400.00
Case No. 72-134	
KAWAAUHAU, Daniel M.	1,146.50
Case No. 73-106	



KEMPER, Edward	75.00
Case No. 73-64 (Attorney for Clifford McVey)	
KIM, Peter M.	24.00
Case No. 74-66 (Medical Services)	
KOH, Priscilla L.	406.25
Case No. 73-84	
KONA HOSPITAL	211.09
Case No. 72-100 (Medical Services)	
KONA HOSPITAL	32.25
Case No. 73-12 (Medical Services)	
KURODA, Dale Y.	229.20
Case No. 73-83	
KUSZEWSKI, Sandra A.	1,625.00
Case No. 73-146	
KWAN, Kam Fu	941.77
Case No. 73-147	
LAND, John H.	1,480.00
Case No. 73-12	
LEBB, Edward	375.00
Case No. 73-31 (Attorney for Ann Noa)	
LEBB, Edward	275.00
Case No. 73-77 (Attorney for Laurel J. Harris)	
LICHTER, Rowlin	305.13
Case No. 74-52 (Medical Services)	
LIU, Philip	135.20
Case No. 74-90 (Medical Services)	
Mac ISAAC, Hugh	275.00
Case No. 74-27	
MACKAY, Donald I.	200.00
Case No. 73-154	
MAEHARA, Dennis	516.40
Case No. 74-90 (Medical Services)	
MAHINAI, Joseph K. Sr.	101.42
Case No. 74-5	
MAHINAI, Laverne K.	200.00
Case No. 74-5	
MALAMA, David	655.00
Case No. 73-145	
MANTANONA, David T.	160.00
Case No. 73-79	
MASON, Richard L.	375.00
Case No. 73-61	
MASUKAWA, Shizuko	7,498.30
Case No. 73-96	
McLANE, Patrick	422.60
Case No. 73-103 (Attorney for Lucille Ford)	
McSHANE, Herbert K.	581.00
Case No. 74-23	
McVEY, Clifford R.	1,700.00
Case No. 73-64	
MEMEA, Jack	1,431.20
Case No. 74-52	
MILAM, James C. Sr.	2,975.00
Case No. 73-122	
MINN, Wilbert	2,511.77
Case No. 73-24	

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MIRIKITANI, Winston	90.00
Case No. 73-58 (Attorney for Pauline Carreira)	
MITCHELL, Linda	215.60
Case No. 73-75	
MIYASATO, Randy	648.09
Case No. 73-150	
MIYASHIRO, Warren	4,285.91
Case No. 74-48	
MONIZ, Gertrude	856.70
Case No. 73-105	
MONIZ, Manuel Jr.	95.60
Case No. 73-105	
MOON, Erick	75.00
Case No. 73-84 (Attorney for Priscilla Koh)	
MORELAND, Patricia	1,200.00
Case No. 73-22	
MOTTER, Glen	256.75
Case No. 73-65	
NAKAMURA, Yoshio	200.00
Case No. 72-28 (Attorney for John Ramos)	
NELSON, Carrie	2,998.97
Case No. 72-95	
NOA, Ann Patricia	2,663.00
Case No. 73-31	
O'CONNOR, Margaret	249.32
Case No. 74-42	
PAAUHAU, Thomas K.	738.79
Case No. 72-81	
PEETZ, Les	75.00
Case No. 74-23 (Attorney for Herbert McShane)	
PERRY, Eric R.	469.58
Case No. 74-35	
PETTI, Roberta F.	2,094.25
Case No. 72-129	
POQUETTE, Charmaine	50.00
Case No. 73-72	
PRAIN, Daniel H.	4,906.19
Case No. 73-85	
QUEEN'S MEDICAL CENTER	312.80
Case No. 74-52 (Medical Services)	
RADGESKY, Marcelle	542.93
Case No. 74-14	
RADIOLOGY ASSOCIATES INC.	16.05
Case No. 73-145 (Medical Services)	
RAMOS, John R.	2,300.00
Case No. 72-28	
REAGH, Hilloah	250.00
Case No. 74-32	
REGO, Anson	100.00
Case No. 74-52 (Attorney for Jack Memea)	
REIS, Manuel	200.00
Case No. 74-30	
RODGERS, Edythe	920.50
Case No. 74-4	
ROSADO, Peter Sr.	1,160.28
Case 73-63	
SAGUN, Dennis	4,855.21
Case No. 74-3	

SAKUGAWA, Wilfred M. Case No. 74-73	2,565.26
SEARS, David Case No. 73-22 (Medical Services)	175.00
SHIGEHARA, Glen Case No. 73-128	514.60
SHIM, Clifford Case No. 73-88	241.44
SMITH, Sherrill F. Case No. 74-90	1,141.21
SNYDER, Patricia Case No. 74-50	800.00
SOEHL, Inez Case No. 74-26	270.32
SOGA, Yosuke Case No. 73-25	418.75
SOUZA, Dorothy C. Case No. 73-10	9,395.00
STACY, Pierce P. Case No. 72-100 (Attorney Donald L. Beal)	125.00
STAHL, Cynthia Case No. 74-116	800.00
ST. FRANCIS HOSPITAL Case No. 74-90 (Medical Services)	307.80
TAKAHASHI, Herbert Case No. 73-95 (Attorney for Arsenia Aquino)	300.00
TAKAHASHI, Van S. Case No. 74-22	75.00
TANAKA, Tamotsu Case No. 73-3	8,103.74
TAWNEY, Richard Case No. 73-117	690.50
TITCOMB, Melvin Case No. 72-142	725.00
TOLENTINO, Elmer G. Case No. 72-145	1,880.07
TORKILDSON, KATZ AND CONAHAN Case No. 74-73 (Attorney for Wilfred M. Sakugawa)	240.00
TOYOFUKU, Robert Case No. 73-10 (Attorney for Dorothy Souza)	350.00
TSUE, Ronald T. Case No. 74-81	355.80
TSUKANO, Faith Case No. 73-60	1,165.71
VASILASH, Daniel Jr. Case No. 74-69	227.24
WAGNER, Sandra Case No. 73-113	1,736.16
WAHIAWA GENERAL HOSPITAL Case No. 74-118 (Medical Services)	178.10
WALSH, Patrick M. Case No. 73-112	407.00
WEATHERWAX, Hazlett Case No. 73-78	1,001.35
WEST, Robert H. Sr. Case No. 73-57	50.00
WILLIAMS, Angela Case No. 74-16	2,404.00

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WONG, Samuel S.L. Case No. 73-132	350.00
YEE, Gerald Case No. 74-4	100.00
YEE, Lester Case No. 73-145 (Medical Services)	87.36
YOUNG, Gregg Case No. 73-114 (Attorney for Robert J. Boyd)	50.00
YOUNG, Lana K.L. Case No. 74-61	275.00

SECTION 2. The sums appropriated in Section 1 of this Act shall be deposited into the criminal injuries compensation fund to be applied to making payments as authorized by the criminal injuries compensation commission.

SECTION 3. This Act shall take effect upon its approval.  
(Approved May 14, 1975.)

**ACT 86**

**H.B. NO. 436**

A Bill for an Act Relating to the Hawaii Income Tax Law.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 235-2, Hawaii Revised Statutes, is amended to read:

**"Sec. 235-2 Same; "Internal Revenue Code."** "Internal Revenue Code" means the Internal Revenue Code of 1954 as it applies to the determination of gross income, adjusted gross income, and taxable income, except those provisions of the Internal Revenue Code which pursuant to this chapter do not apply. For each taxable year specified in column 1 below the Internal Revenue Code meant is the Internal Revenue Code of 1954 as amended as of June 7, 1957 and as further amended by the acts of Congress, or portions thereof, enumerated in column 2 (section numbers in column 2 are inclusive). Amendments to the Code not herein enumerated shall not be operative for the purposes of this chapter unless specifically adopted.

Column 1	Column 2
Taxable year beginning on or after January 1, 1958, or which in whole or in part is governed by this chapter pursuant to the provisions of Act 1 of the Special Session Laws of 1957, and subsequent taxable years.	Public Laws 85-165, 85-320, and 85-367; Public Law 85-866, Title 1, sections 4-12, 19, 20 (with respect to sales, exchanges, and distributions made after December 31, 1957), 21, 22, 24, 25, 28, 29 (the provisions of section 29 being applicable as agreed upon in connection with the consent of the department of taxation to the change in the method of accounting, and reading "the first taxable year beginning after December 31, 1953, and ending after August 16, 1954" as "the first taxable year governed by the Income Tax Law of 1957"), 34, 35, 37(c), 38, 43-48, 52(b), 53, 55, 95, and 97.

Taxable year beginning on or after January 1, 1959, or beginning in 1958 but ending on or after June 30, 1959, and subsequent taxable years.

Taxable year beginning on or after January 1, 1961, and subsequent taxable years.

Taxable year beginning on or after January 1, 1962, and subsequent taxable years.

Taxable years ending after December 31, 1962, but only in respect of periods after December 31, 1962.

Taxable year beginning on or after January 1, 1963, and subsequent taxable years.

Taxable year beginning on or after January 1, 1965.

Public Law 85-866, Title I, sections 2 (with respect to obligations acquired after December 31, 1957), 3 (with respect to amounts received as a statutory subsistence allowance for a period after September 30, 1958), 13, 15 (with respect to the costs and improvements there designated), 17, 23, 26, 27, 30 (the provisions of section 30 being applicable to the extent they relate to deductions for contributions and gifts), 37(b) and (d), 39, 49, 50, 51, 52(a), 54, 57(a), 58 (with respect to the amounts there designated), 101 (with respect to taxable years of regulated investment companies beginning on or after March 1, 1958), Title II, sections 202, 204 (with respect to property acquired by purchase after December 31, 1958).

Public Law 86-564, Title III, section 302.

Public Law 87-834, sections 22 and 28.

Public Law 87-834, section 4.

Public Law 87-834, sections 13 and 21;

Public Law 87-863, section 2.

Public Law 86-376, section 1(a);

Public Law 86-470, section 3(a);

Public Law 86-594, section 1;

Public Law 86-779, sections 6(a), (b), and (c), 7(a) and (b);

Public Law 87-256, section 110(a);

Public Law 87-834, section 3(a);

Public Law 87-858, section 2(a) and (b);

Public Law 87-863, section 1(a) and (b);

Public Law 88-4, section 1;

Public Law 88-272, sections 203(d) (with respect to dispositions of elevators and escalators made in taxable years beginning on or after January 1, 1965), 204(a) (with respect to group-term life insurance provided in taxable years beginning on or after January 1, 1965), 205(a) (with respect to amounts attributable to periods of absence beginning on or after January 1, 1965), 206(a) and (b) (2) (3) and (4) (with respect to sales on or after January 1, 1965), 207(a), (b) (1) (2) (3), and (c) (2), 208(a) (with respect to losses sustained in taxable years beginning on or after January 1, 1965), 211(a), 212(a), 213(a) and (b) (with respect to expenses incurred in taxable years beginning on or after January 1, 1965), 217(a), 224(a), (b), and (c) (with respect to certain deferred payments on sales or exchanges of property occurring in taxable years beginning on or after January 1, 1965), 230(a) and (b) (with respect to capital loss carryovers in taxable years beginning on or after January 1,

Taxable years ending after December 31, 1965 but only with respect to compensation for periods of active service after such date.

Taxable years ending after December 31, 1966, but only with respect to contributions made after such date.

Taxable years beginning January 1, 1967.

Taxable year beginning on or after January 1, 1968.

Taxable years beginning on or after January 1, 1966.

Taxable years beginning on or after January 1, 1975.

1965, and further provided that in the case of a taxpayer other than a corporation, there shall be treated as a short-term capital loss in the first taxable year beginning after December 31, 1964, any amount which is treated as a short-term capital loss in such year as in effect immediately before May 11, 1965), 231(a) and (b) (with respect to dispositions of certain depreciable realty in taxable years beginning on or after January 1, 1965);

Public Law 88-554, section 1. Internal Revenue Code of 1954, section 112, as amended by Public Law 89-739.

Public Law 88-272, section 209, with the exceptions of section 209(c) (2) and section 209(f).

Public Law 90-78, section 1.

Public Law 87-792, sections 2, 3, 4, 6, 7(b), 7(c), 7(d), 7(e) and 7(f);

Public Law 87-863, subsections 2(a) and (b);

Public Law 89-809, sections 204 and 205.

Public Law 87-792, section 5.

Internal Revenue Code, section 112(d), as added by Public Law 92-279.

Public Law 91-172, sections 201(a) (1), (a) (2) (A), (b), (c), (e) and (f) (with respect to charitable contributions made on or after January 1, 1975), 212(a) (1), (a) (2), (b) (1), and (c) (1) (with respect to recapture of depreciation upon the sale of livestock made on or after January 1, 1975), 213(a), (b), and (c) (with respect to deductions attributable to activities not engaged in for profit made on or after January 1, 1975), 231(a), (b), and (c) (with respect to moving expenses made on or after January 1, 1975), 321(a), (b), and (c) (with respect to restricted property made on or after January 1, 1975), 331(a), (b), and (c) (with respect to treatment of excess distributions by trusts made on or after January 1, 1975), 411(a) and (b) (with respect to interest on indebtedness incurred by corporation to acquire stock or assets of another corporation made on or after January 1, 1975), 412(a) (with respect to installment sale made on or after January 1, 1975), 421(a) (with respect to stock dividends made on or after January 1, 1975), 433(b) (with respect to loss of a small business investment company made on or after January 1, 1975), 441(a) (with respect to public utility property made on or after January 1, 1975), 442(a) (with respect to earnings and profits made on or after January 1, 1975), 513(a), (b) and (c) (with respect to capital loss limitations for individuals), 514(a) and (b) (with respect to income on sales of literary property), 515(a), (b) and (c) (1), (c) (2) and (c) (3) (with respect to lump-sum

distribution from employees' plans), 516(a) (with respect to sales or other disposition of a term interest in property), 516(b) (with respect to treatment of certain casualty losses), 516(c) (with respect to treatment of franchises, trademarks and trade names), 521(a) through (f) (with respect to real estate depreciation and recapture effective on or after January 1, 1975), 531(a), (b) and (c) (with respect to qualified pension, etc., plans of small business corporation effective on or after January 1, 1975), 901(a) and (b) (with respect to casualty losses —reimbursement for increased living expenses), 902(a) and (b) (with respect to fines and penalties, and bribes and illegal kickbacks), 905(a) and (b) (with respect to corporations using appreciated property to redeem their own stock), 910(a), (b) and (c) (with respect to sales of certain low-income housing projects in Hawaii), 912(a) (with respect to foster child as dependent), 915(a) (with respect to replacement of property involuntarily converted within a 2-year period).

Public Law 92-178, sections 109(a), (b), (d) (1) (2), and (e) (with respect to class life system of depreciation effective on or after January 1, 1975), 302(a) and (b) with the exceptions of unused credits (with respect to limitations on carryovers of unused capital losses), 303(a) and (c) (with respect to amortization of certain expenditures for on-the-job training and for child care centers), 306(a) and (b) (with respect to capital gain distributions of certain trusts), 310(a) (with respect to bribes, kickbacks, medical referral payments), and 311(a) (with respect to activities not engaged in for profit)."

**SECTION 2.** Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.\*

**SECTION 3.** This Act upon its approval shall apply to the taxable years stated in Section 1 of this Act.

(Approved May 14, 1975.)

**ACT 87**

**H.B. NO. 610**

**A Bill for an Act Relating to State Parks and Recreation Areas.**

***Be it Enacted by the Legislature of the State of Hawaii:***

\*Edited accordingly.

SECTION 1. Section 184-5.3, Hawaii Revised Statutes, is amended to read:

**“Sec. 184-5.3 Failure to obey summons.** Any person who fails to appear at the place and within the time specified in the summons or citation issued to him by the state park enforcement officer upon his arrest for violation of the state parks, historical objects and sites, and outdoor recreation laws and regulations, traffic laws and ordinances; and the laws of the State and the rules and regulations of the department relative to the protection and proper utilization of the recreational, scenic, historical, natural and archaeological, scientific and related resources of state lands and lands within the conservation district, shall be guilty of a misdemeanor and, on conviction, shall be fined not more than \$500 or be imprisoned not more than six months, or both.

If any person fails to comply with a summons or citation issued to him, or if any person fails or refuses to deposit bail as required and within the time permitted, the officer shall cause a complaint to be entered against the person and secure the issuance of a warrant for his arrest.

When a complaint is made to any prosecuting officer of the violation of any state parks, historical objects and sites, and outdoor recreation laws and regulations, traffic laws and ordinances; and the laws of the State and the rules and regulations of the department relative to the protection and proper utilization of the recreational, scenic, historical, natural and archaeological, scientific and related resources of state lands and lands within the conservation district, the officer who issued the summons or citation shall subscribe to it under oath administered by another official or officials of the department of land and natural resources whose names have been submitted to the prosecuting officer and who have been designated by the chairman of the board of land and natural resources to administer the same.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 14, 1975.)

ACT 88

H.B. NO. 1130

A Bill for an Act Relating to State Chartered Credit Unions.

*Be it Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 410-13, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) The board shall:

\*Edited accordingly.



- (1) Act upon applications for membership; provided that the board may appoint at its pleasure one or more persons from among the general membership to serve as membership officers, who may act upon applications for membership within limitations established by the board;
- (2) Purchase a blanket fidelity bond, as prescribed by the commissioner for the credit union according to their asset categories, covering the officers, directors, committeemen, employees, attorneys-at-law, and other agents appointed by the board of directors, with protection against loss caused by dishonesty, burglary, robbery, larceny, theft, forgery, or alteration of instruments, misplacement or mysterious disappearance, and for faithful performance of duty. The commissioner shall prescribe in his rules and regulations the amount of minimum bond coverage required for all credit unions according to their asset categories;
- (3) Fill vacancies in the board until successors elected at the next annual meeting have qualified;
- (4) Have charge of investments other than loans to members;
- (5) Determine from time to time the maximum number of shares that may be held by an individual member;
- (6) Subject to the limitations of this chapter, determine the interest rates on loans and the maximum amount which may be loaned with or without security to any member;
- (7) Subject to such regulations as may be issued by the commissioner, authorize an interest refund to members of record at the close of business on the last day of any dividend period in proportion to the interest paid by them during the dividend period;
- (8) Provide for compensation of necessary clerical and auditing assistance requested by the audit committee, and of loan officers appointed by the credit committee;
- (9) Declare dividends as provided by section 410-24;
- (10) Authorize the employment and compensation of such person or persons as may be necessary to carry on the business of the credit union;
- (11) Designate a depository or depositories for the funds of the credit union;
- (12) Suspend from his official position any officer or director who fails to attend regular meetings for three consecutive meetings without cause, or who otherwise fails to perform any of the duties required of him as an official;
- (13) Appoint any committees deemed necessary;
- (14) Perform or authorize any action consistent with this chapter not specifically reserved by this chapter for the members, and perform such other duties as the members may from time to time require; and
- (15) Submit reports of financial condition to the commissioner annually as of December 31 and other reports as required by the commissioner. These reports shall be submitted to the commissioner by January 31 after the close of the preceding calendar year."

SECTION 2. New statutory material is underscored. In printing this Act, the revisor of statutes need not include the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 14, 1975.)

A Bill for an Act Relating to Crimes.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 706-602, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 706-602 Pre-sentence diagnosis, notice to victims, and report.** The pre-sentence diagnosis and report shall be made by personnel assigned to the court, intake service center, or other agency designated by the court and shall include an analysis of the circumstances attending the commission of the crime, the defendant’s history of delinquency or criminality, physical and mental condition, family situation and background, economic status and capacity to make restitution or to make reparation to the victim or victims of his crimes for loss or damage caused thereby, education, occupation, and personal habits, and any other matters that the reporting person or agency deems relevant or the court directs to be included.

The court personnel, service center, or agency shall give notice of the Criminal Injuries Compensation Act, the application for compensation procedure, and the possibility of restitution by the defendant to all victims of the convicted defendant’s criminal acts.”

SECTION 2. Section -605, Hawaii Revised Statutes, title 37, Hawaii Penal Code, is amended by amending subsection (l) to read as follows:

“(l) Except as provided in section 606 and subject to the applicable provisions of this Code, the court may suspend the imposition of sentence on a person who has been convicted of a crime, may order him to be committed in lieu of sentence in accordance with section 607, or may sentence him as follows:

- (a) To be placed on probation as authorized by part II of this chapter; or
- (b) To pay a fine authorized by part III of this chapter; or
- (c) To be imprisoned for a term authorized by part IV of this chapter; or
- (d) To pay a fine and to probation or to pay a fine and to imprisonment, but not to probation and imprisonment, except as authorized by part II of this chapter; or
- (e) To make restitution or reparation to the victim or victims of his crime in an amount he can afford to pay, for loss or damage caused thereby in addition to paragraph (a), (b), (c), or (d) above.”

\*Edited accordingly.

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 4. This Act shall take effect upon its approval but shall not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

(Approved May 14, 1975.)

## ACT 90

H.B. NO. 1294

A Bill for an Act Relating to Salaries of State Personnel in Charge of Correctional Industries Programs.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Purpose. The purpose of this bill is to remove as an expense of and burden on the Correctional Industries programs the salaries of all the necessary state personnel in charge of said program. In this manner, the Correctional Industries program can apply funds generated toward the benefit of the assigned inmates with a better and more productive program.

SECTION 2. The Hawaii Revised Statutes, section 354-12, is amended to read as follows:

**“Sec. 354-12 Revenue a special fund in state treasury; expenditures; limitation on amount; transfer of excess; general fund use.** (a) All moneys collected by the department of social services and housing from the sale or disposition of articles and products manufactured or produced by prison labor in accordance with this chapter shall be forthwith deposited with the state comptroller to be there kept and maintained as a special revolving account designated “Correctional Industries Account”, and such moneys so collected and deposited shall be used solely for the purchase of supplies, equipment, machinery, and the construction of buildings used to carry out the purposes of this chapter and to otherwise defray the necessary expenses incident thereto, all of which shall be under the direction and subject to the approval of the department of social services and housing; provided that the “Correctional Industries Account” shall never be maintained in excess of the amount necessary to efficiently and properly carry out the purposes of this chapter. When, in the opinion of the governor, the “Correctional Industries Account” has reached a sum in excess of the requirements of this chapter, the excess shall be transferred by the department of social services and housing to the state general fund.

(b) When, in the opinion of the governor, the “Correctional Industries Account” has reached a sum that is insufficient to meet the requirements of this chapter, the governor is authorized to transfer general funds to the “Cor-

\*Edited accordingly.

## ACT 91

rectional Industries Account” in such amounts that will allow correctional industries to generate sufficient funds to meet the requirements of this chapter.”

SECTION 3.† Statutory material to be repealed is bracketed. New material is underscored. In printing this Act the Revisor of Statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 4.† This Act shall take effect upon its approval.

(Approved May 14, 1975.)

## ACT 91

H.B. NO. 1672

A Bill for an Act Relating to Fumigation and Pest Control.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 460J, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“**Sec. 460J- Subcontracting.** Notwithstanding any provisions of this chapter, any individual who is licensed by the board as an operator in both the branches of general pest and termite control may subcontract for the actual performance of fumigation with an individual who is licensed by the board as an operator in the branch of fumigation.

Nothing herein contained shall permit or authorize any licensee to perform, or attempt to perform, advertise, or hold out to the public or to any person that he is authorized, qualified, or licensed to perform, pest control work in any branch, or by any method, for which he is not licensed.

Subcontracting of work, as permitted herein, shall not relieve the prime contractor or the subcontractor from responsibility for, or from disciplinary action because of, any act or omission on his part, which would otherwise be a ground for disciplinary action.”

SECTION 2. New statutory material is underscored. In printing this Act, the revisor of statutes need not include the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 14, 1975.)

## ACT 92

H.B. NO. 1853

A Bill for an Act Relating to the Maximum Allowable Civil Penalties for Violation of the Unfair Competition Law.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 480-3.1, Hawaii Revised Statutes, is amended to read:

\*Edited accordingly.

†Sections “3” and “4” substituted for “2” and “3” to correct obvious error.

**“Sec. 480-3.1 Civil penalty.** Any person, firm, company, association, or corporation violating any of the provisions of section 480-2 shall be fined a sum of not less than \$500 nor more than \$10,000 for each violation, which sum shall be collected in a civil action brought by the attorney general on behalf of the State.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 14, 1975.)

## ACT 93

H.B. NO. 1854

A Bill for an Act Relating to the Maximum Allowable Civil Penalty for Violating an Injunctive Order to Cease and Desist from Violating the Antitrust Laws.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 480-15.1, Hawaii Revised Statutes, is amended to read:

**“Sec. 480-15.1 Penalty.** Any person, firm, company, association, or corporation violating an injunctive order to cease and desist from violating any provisions of this chapter shall be fined a sum not less than \$500 nor more than \$10,000, which sum shall be collected in a civil action brought by the attorney general on behalf of the State. Each separate violation of any such order shall be a separate offense, except that in the case of a violation through continuing failure or neglect to obey a final order of the court, each day of continuance of such failure shall constitute a separate offense.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 14, 1975.)

## ACT 94

H.B. NO. 1855

A Bill for an Act Relating to the Maximum Allowable Criminal Penalties for Violation of the Antitrust Laws.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 480-16, Hawaii Revised Statutes, is amended to read as follows:

\*Edited accordingly.

**“Sec. 480-16 Violation of a felony.** (a) Any person who violates sections 480-4, 480-6, 480-9, or 480-17, including any principal, manager, director, officer, agent, servant, or employee, who had engaged in or has participated in the determination to engage in an activity that has been engaged in by any association, firm, partnership, trust, or corporation, which activity is a violation of sections 480-4, 480-6, 480-9, or 480-17, is punishable if a natural person by a fine not exceeding \$100,000 or by imprisonment not exceeding three years, or by both such fine and imprisonment, in the discretion of the court; if the person is not a natural person then by a fine not exceeding \$1,000,000.

(b) The actions authorized by this section and section 480-18 shall be brought in the circuit court of the circuit where the offense occurred.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 14, 1975.)

ACT 95

H.B. NO. 142

A Bill for an Act Relating to Deceptive Sales Practices.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 481B, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“Sec. 481B- Refunds.** (a) Any person engaged in the business of offering goods for sale at retail who accepts the return of goods, which goods were paid for at the time of purchase by cash, check, credit card, or by charging the purchase price to a credit account administered by the person making the sale, shall refund the full amount of the payment, including any ancillary charges or taxes incident to the purchase returned, in the following manner:

- (1) If payment was made in cash, in cash at the time of the return of goods;
- (2) If the payment was made by check, in cash at the time of the return of goods; provided that if the check has not cleared the bank on which it is drawn, the refund may be delayed until the check has cleared;
- (3) If payment was made by credit card, by credit to the purchaser's credit card account;
- (4) If the payment was made by charging a credit account administered by the person making the sale, by credit to the purchaser's credit account;

\*Edited accordingly.

provided that before making the refund, the person accepting the return of goods may require proof of purchase at his place of business by sales slips, receipts, or other evidence of purchase of the goods returned.

(b) Any person engaged in the business of offering goods for sale at retail who accepts the return of goods but limits the period during which goods may be returned to less than sixty days after the date of purchase or delivery shall post conspicuous signs in his place of business bearing the words "No refunds after (insert number of days) days from date of (insert "purchase" or "delivery", as appropriate)", or words or phrases of similar import to inform customers of the limitation of the period during which the return of goods will be accepted. Such signs shall be posted in the selling area of the business in locations reasonably calculated to bring the signs to the attention of customers.

(c) Any person engaged in the business of offering goods for sale at retail who does not accept the return of goods shall post conspicuous signs in his place of business bearing the words, "All sales final", or "No refunds", or words or phrases of similar import to inform customers that no return of goods will be accepted. Such signs shall be posted in the selling area of the place of business in locations reasonably calculated to bring the signs to the attention of customers.

(d) Any violation of subsections (a), (b), or (c) shall constitute unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce under section 480-2.

(e) This section shall not apply to goods which are damaged after sale, of a type which are unsuitable for resale after any use, or which have been retained by the purchaser in excess of sixty days after purchase."

SECTION 2. New statutory material is underscored. In printing this Act, the revisor of statutes need not include the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 16, 1975.)

## ACT 96

H.B. NO. 352

A Bill for an Act Relating to Agricultural Parks.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 171-113, Hawaii Revised Statutes, is amended to read:

"**Sec. 171-113 Definition of agricultural park.** For the purposes of this part, agricultural park shall mean any agricultural complex which combines and concentrates in a common location agricultural activities for the purpose of production and distribution economies. Agricultural buildings, farm resi-

\*Edited accordingly.

## ACT 97

dences, and employee dwellings necessary to the production and distribution of agricultural commodities shall be considered part of the agricultural park.”

SECTION 2. Statutory material to be repealed is bracketed. In printing this Act, the revisor of statutes need not include the brackets or the bracketed material.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 16, 1975.)

## ACT 97

H.B. NO. 643

A Bill for an Act Expanding the Jurisdiction of the District Courts.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. **Purpose.** The purpose of this Act is to expand the jurisdiction of the district courts in cases involving summary possession or ejectment where the defendant in the action may have a valid counterclaim for a debt, amount, or damages, or value of property in excess of \$5000 and to increase the amount of exclusive jurisdiction of the district court from \$500 to \$1000.

SECTION 2. Section 604-5(a) is hereby amended as follows:

“**Sec. 604-5 Civil jurisdiction.** (a) Except as otherwise provided, the district courts shall have jurisdiction in all civil actions, where the debt, amount, or damages, or the value of the property claimed, does not exceed \$5,000, except in civil actions involving summary possession or ejectment, in which case, the district court shall have jurisdiction over any counterclaim otherwise properly brought before the district court by any defendant in such summary possession or ejectment action if said counterclaim arises out of and refers to the land or premises, the possession of which is being sought, regardless of the value of the debt, amount, damages or property claim contained in the counterclaim. Attorney’s commissions or fees, including those stipulated in any note or contract sued on, interest, and costs, shall not be included in computing the jurisdictional amount. Subject to subsections (b) and (c), jurisdiction under this subsection shall be exclusive when the amount in controversy, so computed, does not exceed \$1000.

(b) The district courts shall try and determine all actions without a jury, subject to appeal according to law. Whenever a civil matter is triable of right by a jury and trial by jury is demanded in the manner and within the time provided by the rules of the court, the case shall be transferred to the circuit court. If the demand is made in the complaint and the matter is triable of right by a jury, the action may be commenced in the circuit court even though the amount in controversy does not exceed \$1000.

(c) Whenever a claim requires for its adjudication the presence of parties who cannot be served in the State, or cannot be served in a single circuit,

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\*Edited accordingly.



the action may be commenced in the circuit court even though the amount in controversy does not exceed \$1000, and if the action has been commenced in a district court it may be transferred to the circuit court.

(d) The district courts shall have jurisdiction in all statutory proceedings as conferred by law upon district courts.

(e) The district courts shall not have cognizance of real actions, nor actions in which the title to real estate comes in question, nor actions for libel, slander, defamation of character, malicious prosecution, false imprisonment, breach of promise of marriage, or seduction; nor shall they have power to appoint referees in any cause.”†

SECTION 3. This Act will take effect as of January 1, 1976.

(Approved May 16, 1975.)

## ACT 98

H.B. NO. 851

A Bill for an Act Relating to the Bond Requirements of Collection Agencies.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 443-9, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 443-9 Bond.** (a) A bond shall be executed by the applicant, as principal, and by a surety insurer authorized by the state insurance commissioner to transact the business of surety insurance, running to the State and conditioned that the licensee shall faithfully, promptly, and truly account and pay within thirty days after the calendar month, to his clients the net proceeds due on all collections made during the calendar month. The bond shall be further conditioned that the licensee will comply with all requirements of this or any other statute now in force or hereafter enacted and any rules and regulations established under this chapter with respect to the duties, conduct, obligations, and liabilities of licensee, and further conditioned that, in the event that a conservator is appointed pursuant to a determination made under section 443-27, and such determination becomes final the licensee shall and will pay the reasonable fees and expenses of the conservator. In addition to any other remedy, every person sustaining any damage resulting from a breach of the conditions of the bond may sue the surety for the recovery of any damages sustained by such person. The bond shall be continuous in form and remain in full force and effect and shall run concurrently with the license period and for any renewals thereof, unless terminated or cancelled by the surety. Termination or cancellation shall not be effective, unless notice thereof is delivered by the surety to the board at least thirty days prior to the date of termination or cancellation. The board shall forthwith give notice thereof to the collection agency affected by the termination or cancellation, which notice shall be by registered or certified mail, with request for return receipt,

†Edited in manner of other acts.

and shall be addressed to the licensees at the addresses shown on the records of the board. The license of any licensee shall be suspended upon termination or cancellation of the bond, unless prior thereto, a new bond has been filed with the board.

(b) The bond of each licensee shall be for \$25,000. However, when an applicant or licensee intends to operate more than one office, under one ownership, one bond shall be equal to the sum of \$25,000 for the first office and \$15,000 for each additional office. In all such cases the board shall determine the facts and set the amount of the bond required.

(c) The form of the bond shall be set and furnished by the board and only on such forms shall the bonds required by subsection (a) be executed."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 16, 1975.)

ACT 99

H.B. NO. 1209

A Bill for an Act Relating to Restitution in Cases Filed by the Office of Consumer Protection.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 487, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**"Sec. 487- Restitution.** In any civil action brought by the director of the office of consumer protection to collect civil penalties or enjoin any unlawful acts or practices, the court hearing the action may include in its orders or judgments such provisions as may be necessary to effect restitution to any person who sustained damages as a result of the unlawful acts and practices which are the subject of the action and who complained to the office of consumer protection prior to the initiation of the action. Any person in whose favor restitution is ordered need not accept restitution, but his acceptance and full performance of restitution shall bar recovery by him of any other damages in any action on account of the same acts or practices against the person making restitution."

SECTION 2. New statutory material is underscored. In printing this Act, the revisor of statutes need not include the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 16, 1975.)

\*Edited accordingly.

A Bill for an Act Relating to the Salary and Perquisites of Reporters.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 606-13, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 606-13 Salary and perquisites of reporters.** Each reporter shall receive for his services as prescribed in section 606-12 the salary that may be appropriated from time to time as compensation for his services in court. He may also charge for his services a fee not to exceed \$1.25 per twenty-five line page for the original ribbon copy of transcripts of testimony and proceedings and 50 cents per twenty-five line page for each carbon copy thereof made at the same time when such transcripts are prepared in their regular order for the purposes of appeal to the supreme court and a 50 per cent additional fee for expedited service when transcripts are prepared during the course of a trial. The fees for transcripts ordered by a party must be paid by the party ordering the same and, except in the case of the attorney general, or the county or prosecuting attorneys or corporation counsels, no reporter shall be required to perform any such service until his fees have been paid or the amount of the estimated cost of the fees deposited with the clerk of the court.

Where the court, of its own motion, orders a transcript to be prepared of the whole or any part of the testimony in a civil cause, it may, in its discretion, direct the payment of the charges therefor, and the taxation of the same as costs, in such manner as to it may seem just. Where the attorney general, or a county or prosecuting attorney or corporation counsel, desires transcripts for his own official use, either original or carbon copy, the reporter may be paid for same by warrant upon the treasury of the State, or county, as the case may be.

When a transcript is prepared from a tape, or other record of the testimony and proceedings made by a mechanical device, the transcript fees shall be those applicable when a transcript is prepared by an official court reporter from his notes. A transcript not prepared by an official court reporter shall be certified by a clerk of the court.

The reporter or other person preparing transcripts shall provide, at his own expense, all typewriting paper and carbon paper necessary to the preparation thereof."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 16, 1975.)

\*Edited accordingly.

A Bill for an Act Relating to the Residential Landlord-Tenant Code.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 521-44, Hawaii Revised Statutes, is amended by amending subsection (f) to read as follows:

“(f) If the landlord who required and received a security deposit transfers his interest in the dwelling unit, whether by sale, assignment, death, appointment of a receiver, or otherwise, the landlord’s successor in interest is bound by this section. The original landlord shall provide an accounting of the security deposits received for each dwelling unit to the landlord’s successor at or before the time of the transfer of the landlord’s interest; within twenty days thereafter the landlord’s successor shall give written notice to each tenant of the amount of the security deposit credited to the tenant. In the event the landlord’s successor fails to satisfy the requirements of this subsection, it shall be presumed that the tenant has paid a security deposit equal to no less than one month’s rent at the rate charged when the tenant originally rented the dwelling unit and the landlord’s successor shall be bound by this amount in all further matters relating to the security deposit.”

SECTION 2. New statutory material is underscored. In printing this Act, the revisor of statutes need not include the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 16, 1975.)

A Bill for an Act Relating to the Uniform Securities Act (Modified).

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 485-1, Hawaii Revised Statutes, is amended by amending the definition of “dealer” to read as follows:

“(3) “Dealer” means any person engaged in the business of effecting transactions in securities for the account of others or for his own account. “Dealer” does not include (A) a salesman, (B) an issuer, (C) a person who has no place of business in this State if (i) he effects transactions in this State exclusively with or through the issuers of the securities involved in the transactions; other dealers; or banks, savings institutions, trust companies, insurance companies, investment companies as defined in the Investment Company Act of 1940, pension or profit-sharing trusts, or other financial institutions or institutional buyers, whether acting for themselves or as trustees, or (ii) during any period of twelve consecutive months he

\*Edited accordingly.

does not direct more than fifteen offers to sell or to buy into this State in any manner to persons other than those specified in clause (i), whether or not the offeror or any of the offerees is then present in this State, or (D) any person licensed as a real estate broker or real estate salesman under the laws of the State while effecting transactions in a security exempted by section 485-6 (14).”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 16, 1975.)

## ACT 103

H.B. NO. 1852

A Bill for an Act Relating to the Expungement of Arrest Records.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 731-3.2, Hawaii Revised Statutes, is amended to read:

“**Sec. 731-3.2 Expungement orders.** (a) The attorney general, or his duly authorized representative within the department of the attorney general, upon written application from a person arrested for, but not charged or convicted of, a crime, shall issue an expungement order annulling, canceling, and rescinding the record of arrest and, within 60 days after receipt of such written application shall, when so requested, deliver, or cause to be delivered, all fingerprints or photographs of such person, unless such person has a record of prior conviction or is a fugitive from justice, in which case the fingerprints or photographs may be retained by the agencies holding such records; provided that an expungement order shall not issue (1) in the case of an arrest of a felony or misdemeanor where conviction has not been obtained because of bail forfeiture, (2) for a period of five years after arrest or citation in the case of a petty misdemeanor or violation where conviction has not been obtained because of a bail forfeiture; and (3) in the case of an arrest for any offense where conviction has not been obtained because he has rendered prosecution impossible by absenting himself from the jurisdiction.

(b) Upon the issuance of the expungement order, the person applying for the order shall be treated as not having been arrested in all respects not otherwise provided for in this section.

(c) Upon the issuance of the expungement order, all records, photographs and fingerprints pertaining to the arrest which are in the custody or control of the State or any county government, and which are capable of being forwarded to the attorney general without affecting other records not pertaining to the arrest, shall be so forwarded for return of the photo-

\*Edited accordingly.

graphs and fingerprints to the person requesting them, and for placement of the records in a confidential file or, if the records are on magnetic tape or in a computer memory bank, shall be erased.

(d) Records filed under subsection (c) shall not be divulged except upon inquiry by:

- (1) A court of law or an agency thereof which is preparing a presentence investigation for the court; or
- (2) An agency of the federal government which is considering the subject person for a position immediately and directly affecting the national security.

Response to any other inquiry shall not be different from responses made about persons who have no arrest record.

(e) The attorney general or his duly authorized representative within the department of the attorney general shall issue to the person for whom an expungement order has been entered, a certificate stating that the order has been issued and that its effect is to annul the record of a specific arrest. The certificate shall authorize the person to state, in response to any question or inquiry, whether or not under oath, that he has no record regarding the specific arrest. Such a statement shall not make the person subject to any action for perjury, civil suit, discharge from employment, or any other adverse action.

(f) The meaning of the following terms as used in this section shall be as indicated:

- (1) "Conviction" means a final determination of guilt whether by plea of the accused in open court, by verdict of the jury or by decision of the court.
- (2) "Arrest record" means the document, magnetic tape or computer memory bank, produced under authority of law, which contains the data of legal proceedings against a person beginning with his arrest for the alleged commission of a crime and ending with final disposition of the charges against the person by nonconviction.

(g) The attorney general shall adopt rules pursuant to chapter 91 necessary for the purposes of this section.

(h) Nothing in this section shall affect the compilation of crime statistics as provided in part IV of chapter 28."

SECTION 2. This Act shall apply to fingerprints, photographs and records of arrest made prior to its effective date, as well as to those made subsequent to its effective date.

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 4. This Act shall take effect upon its approval.

(Approved May 16, 1975.)

\*Edited accordingly.

A Bill for an Act Relating to the Residential Landlord-Tenant Code.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 521-43, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 521-43 Rental agreement, disclosure.** (a) On each written rental agreement, the landlord shall disclose:

- (1) The name and usual address of each person authorized to manage the premises; and
- (2) The name and usual address of each person who is an owner of the premises or who is authorized to act for and on behalf of the owner for the purposes of service of process and of receiving and receipting rents, notices, and demands.

(b) In case of an oral rental agreement the landlord shall, on demand, furnish the tenant with a written statement containing the information specified in subsection (a).

(c) Any owner or landlord not dealing directly with the tenant shall be responsible for compliance with this section by an owner or landlord dealing directly with the tenant and shall be estopped from any objection to a failure to serve process upon an owner or landlord in any proceeding arising under this chapter when such failure is due to failure to comply with this section. The owner or landlord who deals directly with the tenant and fails to comply with this section shall be deemed an agent of every other landlord under the rental agreement for performing the obligations of the landlord under this chapter and under the rental agreement.

(d) In the case of a written rental agreement, the landlord shall furnish a copy of the lease or rental agreement to the tenant.

(e) The landlord shall furnish to the tenant a written receipt for rents paid at the time of said payment. Cancelled checks shall also constitute and fulfill the requirement of a written receipt. If rent is paid by check, the landlord shall furnish a receipt therefore, provided such receipt is requested by the tenant.

(f) Any owner or landlord who resides without the State or on another island from where the rental unit is located must designate on the written rental agreement an agent residing on the same island where the unit is located to act in his behalf. In the case of an oral rental agreement, such information shall be supplied to the tenant, on demand, in a written statement.”

SECTION 2. Section 521-64, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 521-64 Tenant’s remedy of repair and deduction for minor defects.**

(a) If the landlord fails to repair, maintain, keep in sanitary condition, or perform in any other manner required by sections 321-9 to 321-11 and 322-1 to 322-7, or by regulations thereunder, or as agreed to in a rental agreement, or if the landlord is in material noncompliance with section 521-42(a), and does

not remedy the failure or noncompliance within twelve business days after being notified in writing by the tenant to do so, or if the cost to the landlord of remedying the failure or noncompliance would exceed \$200, within five business days after being notified in writing by the department of health that there is a health violation, the tenant may further notify the landlord in writing of his intention to correct the objectionable condition at the landlord's expense and:

- (1) Immediately do or have done the necessary work in a workmanlike manner; or
- (2) The tenant may submit to the landlord, at least five business days before having the work done, a written signed estimate from each of two qualified workmen and proceed to have done the necessary work by the workman who provides the lower estimate; provided the landlord may require in writing a reasonable substitute workman or substitute materials; and provided further that if the lower estimate exceeds \$200, the tenant shall not proceed to have done the necessary work until he obtains from the department of health a written statement that the objectionable condition in fact constitutes a violation of health law or regulation, a copy of which statement shall be mailed by certified or registered mail by the department of health to the landlord.

(b) A tenant may deduct from his rent not more than \$200 for his actual expenditures for work done to correct an objectionable condition pursuant to subsection (a)(1) and may deduct not more than one month's rent for his actual expenditures for work done to correct an objectionable condition pursuant to subsection (a)(2), if he submits to the landlord copies of receipts amounting to at least the sum deducted.

(c) At the time the tenant initially notifies the landlord under subsection (a), the tenant shall list every condition that he knows or should know of noncompliance under subsection (a), in addition to the objectionable condition that the tenant then intends to correct or have corrected at the landlord's expense. Failure by a tenant to list such a condition that he knew of or should have known of shall estop the tenant from requiring the landlord to correct it and from having it corrected at the landlord's expense under this section for a period of six months after the initial notification to the landlord. Total correction and repair work costs under this section chargeable to the landlord's expense during each six-month period shall not exceed an amount equal to three months' rent.

(d) In no event may a tenant repair a dwelling unit at the landlord's expense when the condition complained of was caused by the want of due care by the tenant, a member of his family, or other person on the premises with his consent.

(e) Before correcting a condition affecting facilities shared by more than one dwelling unit, the tenant shall notify all other tenants sharing such facilities of his plans, and shall so arrange the work as to create the least practicable inconvenience to the other tenants."

SECTION 3. Section 521-71, Hawaii Revised Statutes, is amended to



read as follows:

**“Sec. 521-71 Termination of tenancy; landlord’s remedies for holdover tenants.** (a) When the tenancy is month to month, the landlord or the tenant may terminate the rental agreement upon his notifying the other at least twenty-eight days in advance of the anticipated termination or in cases of voluntary demolition of the dwelling units, ninety days in advance of the anticipated demolition. If notice is revoked or amended and re-issued, the ninety day period shall begin from the date it was re-issued or amended.

(b) When the tenancy is less than month to month, the landlord or the tenant may terminate the rental agreement upon his notifying the other at least ten days before the anticipated termination.

(c) Whenever the term of the rental agreement expires, whether by passage of time, by mutual agreement, by the giving of notice as provided in subsection (a) or (b), or by the exercise by the landlord of a right to terminate given under this chapter, if the tenant continues in possession after the date of termination without the landlord’s consent, the tenant shall be liable for and shall pay to the landlord a sum not to exceed twice the monthly rent under the previous rental agreement, computed and prorated on a daily basis, for each day he remains in possession for any period up to one month. If the tenant remains in possession for a period longer than one month, he shall be liable for and shall pay to the landlord a sum equal to the monthly rent under the previous rental agreement for each additional month or fraction thereof. The landlord may bring a summary proceeding for recovery of the possession of the dwelling unit at any time during the first sixty days of holdover, except that the landlord’s acceptance of rent in advance after the first month of holdover shall create a month-to-month tenancy in the absence of an agreement between the parties to the contrary at the time of such acceptance.”

SECTION 4. Section 521-73, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 521-73 Landlord’s and tenant’s remedies for abuse of access.** (a) The tenant shall be liable to the landlord for any damage proximately caused by the tenant’s unreasonable refusal to allow access as provided in section 521-53(a).

(b) Except for an entry under an emergency such as fire, the landlord shall be liable to the tenant for any theft, casualty, or other damage proximately caused by an entry into the dwelling unit by the landlord or by another person with the permission or license of the landlord:

- (1) When the tenant is absent and has, after having been notified by the landlord of a proposed entry or entries, refused consent to any such specific entry;
- (2) Without the tenant’s actual consent when he is present and able to consent; or
- (3) In any other case, when the damage suffered by the tenant is proximately caused by the landlord’s negligence.

(c) In the event of repeated demands by the landlord for unreasonable entry, or any entry by the landlord or by another with the landlord’s permission

or license which is unreasonable and not consented to by the tenant:

- (1) The tenant may treat such actions as grounds for termination of the rental agreement;
- (2) Any circuit court judge on behalf of one or more of the tenants may issue an injunction against a landlord to enjoin violation of this subsection;
- (3) Any circuit court judge hearing a dispute as set out in subsection (2) may also assess a fine not to exceed \$100.
- (d) Every agreement or understanding between a landlord and a tenant which purports to exempt the landlord from any liability imposed by this section, except consent by a tenant to a particular entry, shall be void."

SECTION 5. Section 521-74, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 521-74 Retaliatory evictions and rent increases prohibited.** (a) Notwithstanding that the tenant has no written rental agreement or that it has expired, so long as the tenant continues to tender the usual rent to the landlord or proceeds to tender receipts for rent lawfully withheld, no action or proceeding to recover possession of the dwelling unit may be maintained against the tenant, nor shall the landlord otherwise cause the tenant to quit the dwelling unit involuntarily, nor demand an increase in rent from the tenant; nor decrease the services to which the tenant has been entitled, after:

- (1) The tenant has complained in good faith to the department of health, landlord, building department, office of consumer protection, or any other governmental agency concerned with landlord-tenant disputes of conditions in or affecting his dwelling unit which constitutes a violation of a health law or regulation or of any provision of this chapter; or
  - (2) The department of health or other governmental agency has filed a notice or complaint of a violation of a health law or regulation or any provision of this chapter; or
  - (3) The tenant has in good faith requested repairs under section 521-63 or 521-64.
- (b) Notwithstanding subsection (a), the landlord may recover possession of the dwelling unit if:
- (1) The tenant is committing waste, or a nuisance, or is using the dwelling unit for an illegal purpose or for other than living or dwelling purposes in violation of his rental agreement;
  - (2) The landlord seeks in good faith to recover possession of the dwelling unit for immediate use as his own abode or that of his immediate family;
  - (3) The landlord seeks in good faith to recover possession of the dwelling unit for the purpose of substantially altering, remodeling, or demolishing the premises;
  - (4) The landlord seeks in good faith to recover possession of the dwelling unit for the purpose of immediately terminating for at least six months use of the dwelling unit as a dwelling unit;

- (5) The complaint or request of subsection (a) relates only to a condition or conditions caused by the lack of ordinary care by the tenant or another person in his household or on the premises with his consent;
  - (6) The landlord has received from the department of health certification that the dwelling unit and other property and facilities used by or affecting the use and enjoyment of the tenant were on the date of filing of the complaint or request in compliance with health laws and regulations;
  - (7) The landlord has in good faith contracted to sell the property, and the contract for sale contains a representation by the purchaser corresponding to paragraph (2), (3), or (4); or
  - (8) The landlord is seeking to recover possession on the basis of a notice to terminate a periodic tenancy, which notice was given to the tenant previous to the complaint or request of subsection (a).
- (c) Any tenant from whom possession has been recovered or who has been otherwise involuntarily dispossessed, in violation of this section, is entitled to recover the damages sustained by him and the cost of the suit, including reasonable attorney's fees.

(d) Notwithstanding subsection (a), the landlord may increase the rent if:

- (1) The landlord has received from the department of health certification that the dwelling unit and other property and facilities used by and affecting the use and enjoyment of the tenant were on the date of filing of the complaint or request of subsection (a) in compliance with health laws and regulations;
- (2) The landlord has become liable for a substantial increase in property taxes, or a substantial increase in other maintenance or operating costs not associated with his complying with the complaint or request, not less than four months prior to the demand for an increase in rent; and the increase in rent does not exceed the prorated portion of the net increase in taxes or costs;
- (3) The landlord has completed a capital improvement of the dwelling unit or the property of which it is a part and the increase in rent does not exceed the amount which may be claimed for federal income tax purposes as a straight-line depreciation of the improvement, prorated among the dwelling units benefited by the improvement;
- (4) The complaint or request of subsection (a) relates only to a condition or conditions caused by the want of due care by the tenant or another person of his household or on the premises with his consent; or
- (5) The landlord can establish, by competent evidence, that the rent now demanded of the tenant does not exceed the rent charged other tenants of similar dwelling units in his building or, in the case of a single-family residence or where there is no similar dwelling unit in the building, does not exceed the market value of the dwelling unit."

SECTION 6. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not in-

clude the brackets, the bracketed material, or the underscoring.\*

SECTION 7. This Act shall take effect upon its approval.

(Approved May 17, 1975.)

A Bill for an Act Relating to Environmental Quality.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. **Purpose.** The purpose of this Act is to provide for better environmental control in order to improve the quality of life in the State. The state and county governments have a duty to enhance, whenever and wherever possible, the natural environment of our State.

The legislature finds that rapid physical and economic development has led to the destruction of many of the State's exceptional trees, as well as to the near-extinction of several such trees. Further, the legislature finds that, beyond their esthetic worth and cultural significance, trees perform an important role in maintaining ecological balance, in increasing soil conservation and natural oxygen production, as wind breaks for necessary plant species, and in retarding flooding, erosion, siltation, lateral distribution of air pollutants, and noise.

Short-sighted land development, which strips the land of its essential vegetation and trees, upsets a vital ecological balance, endangers new occupants of the land, and decreases natural beauty. Thus, encouragement of enlightened land development practices, increase of public education in the value of exceptional trees, and appropriate land development controls to prevent removal and destruction of exceptional trees are urgently needed. The purpose of this Act is to require the counties, who possess primary control over land development, to enact protective regulations to safeguard exceptional trees.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read:

**“CHAPTER  
EXCEPTIONAL TREES**

**Sec. -1 Purpose.** It is the policy of the State to safeguard exceptional trees from destruction due to improper land development, and the legislature finds that enactment of protective regulations by the counties to accomplish this is a valid and important public purpose.

**Sec. -2 County arborist advisory committees; establishment.** Each county of the State shall establish a county arborist advisory committee, which shall be appointed by the mayor and shall include the county planning director, or his designee; one member who shall be actively employed in the prac-

\*Edited accordingly.

tice of landscape architecture, and not less than three other members selected on the basis of active participation in programs of community beautification, or research or organization in the ecological sciences, including ethnobotany, or Hawaiiana.

**Sec. -3 County arborist advisory committees; powers and duties.** For the purposes of this chapter, the county committees shall have the following powers and duties in addition to those delegated by the respective county councils.

- (1) To research, prepare, and recommend to the county council exceptional trees to be protected by county ordinance or regulation.
- (2) To advise property owners relative to the preservation and enhancement of exceptional trees.
- (3) To recommend to the county council appropriate protective ordinances, regulations, and procedures.
- (4) To review all actions deemed by the county council to endanger exceptional trees.

For the purposes of this section, "exceptional trees" means a tree or stand or grove of trees with historic or cultural value, or which by reason of its age, rarity, location, size, esthetic quality, or endemic status has been designated by the county committee as worthy of preservation. Exceptional trees may be designated generally by biotaxy or individually by location or class.

**Sec. -4 County protective regulations.** Each county shall enact appropriate protective regulations which designate exceptional trees; provide for special county review prior to destruction of exceptional trees, whether by removal or the existence of conditions which lead to the destruction of such trees; provide for site plan review and amendment to protect exceptional trees; and provide for injunctive relief against the removal or destruction of exceptional trees.

**Sec. -5 State assistance.** The department of land and natural resources, the University of Hawaii, and the Hawaii foundation for history and the humanities shall cooperate with and to the fullest extent possible assist the counties and their respective committees in carrying out this chapter."

SECTION 3. This Act shall take effect upon its approval.

(Approved May 17, 1975.)

A Bill for an Act Relating to Housing.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 359G, Hawaii Revised Statutes, is amended in the following ways:

1. By amending section 359G-3 to read as follows:

"**Sec. 359G-3 Housing authority—staff.** The Hawaii housing authority shall administer this chapter. The authority may employ, subject to chapters 76, 77, and 78, a staff consisting of a qualified financial aide and a develop-

ment aide. Other individuals may be hired on a contractual basis not subject to chapters 76, 77, and 78, when, in the judgment of the authority, the services to be performed are unique and essential to the execution of the functions and purposes of this chapter. No contract shall be for a period longer than two years, and no individual hired under contract shall be employed beyond a maximum of six years."

2. By amending section 359G-10 to read as follows:

"**Sec. 359G-10 Revolving fund.** There is created a dwelling unit revolving fund. The funds appropriated for the purpose of this chapter and all moneys received or collected by the authority under the provisions of this chapter shall be deposited in the revolving fund. The proceeds in the fund shall first be used to reimburse the general fund to pay the principal and interest on general obligation bonds issued for the purposes of this chapter, then for the necessary expenses in administering the chapter, and finally for carrying out the purposes of this chapter, including, but not limited to, the expansion of community facilities constructed in conjunction with housing projects for elderly persons, and supplementing building costs, federal guarantees required for operational losses, and all things required by any federal agency in the construction and receipt of federal funds for housing projects for the elderly."

3. By amending subsection (a) of section 359G-12 to read as follows:

"(a) At the request of the authority the director of finance may guarantee the top twenty-five per cent of the principal balance of real property mortgage loans of qualified single-family or multi-family housing, or up to a maximum of one hundred per cent of the principal balance of real property mortgage loans of qualified single-family housing under section 213 of the Hawaiian Homes Commission Act, plus the interest due thereon, made to qualified borrowers by qualified private lenders; provided that at no time shall the State's liability, contingent or otherwise, on such guarantees exceed \$10,000,000."

SECTION 2. Notwithstanding the interest rate limitation contained in section 356-29, Hawaii Revised Statutes, during the twelve months following the effective date of this Act, bonds issued by the Hawaii housing authority under chapter 356 may bear interest, payable annually or semiannually, at a rate not exceeding eight per cent a year.

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 4. This Act shall take effect upon its approval; except the provisions of this Act amending subsection (a) of section 359G-12, Hawaii Revised Statutes, shall take effect on July 1, 1975.

(Approved May 17, 1975.)

\*Edited accordingly.

A Bill for an Act Relating to Workmen's Compensation.

*Be it Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 386-31, Hawaii Revised Statutes, is amended to read:

**"Sec. 386-31. Total disability.** (a) Permanent total disability. Where a work injury causes permanent total disability the employer shall pay the injured employee a weekly benefit equal to sixty-six and two-thirds per cent of his average weekly wages, subject to the following limitation:

Beginning January 1, 1975, and during each succeeding 12 month period thereafter, not more than the state average weekly wage last determined by the director, rounded to the nearest dollar, nor less than \$38 or 25% of the foregoing maximum amount, rounded to the nearest dollar, whichever is higher.

In the case of the following injuries, the disability caused thereby shall be deemed permanent and total:

- (1) The permanent and total loss of sight in both eyes;
- (2) The loss of both feet at or before the ankle;
- (3) The loss of both hands at or above the wrist;
- (4) The loss of one hand and one foot;
- (5) An injury to the spine resulting in permanent and complete paralysis of both legs or both arms or one leg and one arm;
- (6) An injury to the skull resulting in incurable imbecility or insanity.

In all other cases the permanency and totality of the disability shall be determined on the facts. No adjudication of permanent total disability shall be made until after two weeks from the date of the injury.

(b) Temporary total disability. Where a work injury causes total disability not determined to be permanent in character, the employer, for the duration of the disability but not including the first two days thereof shall pay the injured employee a weekly benefit at the rate of sixty-six and two-thirds per cent of his average weekly wages, subject to the limitations on weekly benefit rates prescribed in section 386-31, or if his average weekly wages are less than the minimum weekly benefit rate prescribed in section 286-31, at the rate of one hundred per cent of his average weekly wages. In case the total disability exceeds five days, the compensation shall be allowed from the date of disability.

Temporary total disability benefits shall be paid promptly as it accrues and directly to the person entitled thereto without waiting for a decision from the director, unless the right to the benefits is controverted by the employer. The first payment of benefits shall become due and shall be paid no later than on the tenth day after the employer has been notified of the occurrence of the total disability, and thereafter the benefits due shall be paid weekly except as otherwise authorized pursuant to section 386-53."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not in-

**ACT 108**

clude the brackets, the bracketed material, or the underscoring.\*

**SECTION 3.** This Act shall take effect upon its approval.

(Approved May 17, 1975.)

**ACT 108**

**H.B. NO. 377**

A Bill for an Act Relating to Use of Armories, Military Reservations and other Military Installations.

*Be it Enacted by the Legislature of the State of Hawaii:*

**SECTION 1. Purpose.** The purpose of this Act is to provide the legal basis to maximize the use of Department of Defense facilities by authorizing the Adjutant General to permit use of or temporarily rent to civic, community, veterans and other non-profit public organizations and groups, such portions of armories, rifle ranges, reservations and installations that are state owned as well as on license from the Federal government.

**SECTION 2.** Section 121-19, Hawaii Revised Statutes, is amended to read:

**“Sec. 121-19 Regulations governing armories, etc.** Any law to the contrary notwithstanding, the adjutant general may make regulations to establish procedures governing the care and custody of armories, rifle ranges, reservations and installations that are either set aside to the department of defense or on license from the federal government. He may permit the use of or may temporarily rent to civic, community, veterans and other non-profit public organizations and groups, such portions of armories, rifle ranges, reservations and installations as will not interfere with the military use thereof. He shall establish the rentals to be charged for their use and all monies received from the rentals shall be deposited into the general fund of the State. Chapter 91 shall not apply.”

**SECTION 3.** Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

**SECTION 4.** This Act shall take effect upon its approval.

(Approved May 17, 1975.)

**ACT 109**

**H.B. NO. 499**

A Bill for an Act Relating to Discrimination Due to Marital Status.

*Be it Enacted by the Legislature of the State of Hawaii:*

**SECTION 1.** The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read:

\*Edited accordingly.



**“CHAPTER  
FAIR CREDIT EXTENSION ACT”**

**Sec. -1 Short title.** This part may be cited as the Hawaii Fair Credit Extension Act of 1975.

**Sec. -2 Definitions.** As used in this part:

- (1) “Applicant” means any person who initially applies to a creditor directly for a loan or credit, or who directly applies to a creditor for an extension, renewal, or continuation of credit, or applies to a creditor indirectly by use of an existing credit plan for an amount exceeding a previously established credit limit;
- (2) “Credit” means the loan of money, or the right granted by a creditor to a debtor to defer payment of debt, or to incur debts and defer payment therefor, or to purchase property or services and defer payment therefor;
- (3) “Creditor” means any bank; savings and loan association; trust company; industrial loan company or small loan company; credit union; mortgage banker, broker, or solicitor; pawn broker; mutual or fraternal benefit society; debt adjuster; the issuer of a credit card as defined in section 751-1; any person who initiates, extends, renews, or continues loans of money or credit; any person who regularly arranges for the initiation, extension, renewal, or continuation of a loan of money or credit; or any assignee of an original creditor who participates in the decision to grant, extend, renew, or to continue such loan or credit;
- (4) “Person” means a natural person, a corporation, government or governmental subdivision or agency, a trust, estate, partnership, cooperative, or association.

**Sec. -3 Prohibited credit discrimination.** (a) It shall be unlawful for any creditor to discriminate against any applicant on the basis of marital status with respect to any aspect of a credit transaction.

(b) An inquiry of marital status shall not constitute discrimination for the purposes of this part if such inquiry is for the purpose of ascertaining the creditor’s rights and remedies applicable to the particular extension of credit, and not to discriminate in a determination of credit worthiness.

(c) A request for the signature of both parties to a marriage for the purpose of creating a valid lien, passing clear title, waiving inchoate rights to, or assigning the earnings and profits, in any transaction involving real property shall not be construed to be discrimination under this part; provided that this provision shall not be construed to permit a creditor to take marital status into account in connection with the evaluation of credit worthiness of any applicant.

(d) Consideration or application of the real property laws directly or indirectly affecting credit worthiness shall not constitute discrimination for any purpose of this part.

(e) Whenever either party to a marriage contracts separately for credit or a loan, the contracting party shall be solely responsible for the debt so contracted.

(f) Whenever each party to a marriage separately and voluntarily applies

for, and obtains, separate credit accounts or loans with the same creditor, those accounts or loans shall not be aggregated, or otherwise combined, for purposes of determining permissible finance charges, or permissible loan ceilings.

**Sec. -4 Civil remedies.** (a) Any creditor who fails to comply with any requirement imposed under this chapter shall be liable to the aggrieved applicant in an amount equal to the sum of any actual damages sustained by such applicant.

(b) Any creditor who fails to comply with any requirement imposed under this chapter shall be liable to the aggrieved applicant for punitive damages in an amount not greater than \$10,000, as determined by the court, in addition to any actual damages provided in subsection (a); provided that in pursuing the recovery allowed under this subsection, the applicant may proceed only in an individual capacity and not as a representative of a class.

(c) Whenever a creditor fails to comply with any requirement imposed under this chapter, an aggrieved applicant may institute a civil action for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other action.

(d) In any successful action to enforce the foregoing liability or preventive action, the costs of the action, together with a reasonable attorney's fee, as determined by the court, shall be added to any damages awarded by the court under subsections (a), (b), and (c) of this section.

(e) Any action under this chapter shall be brought within one year from the last date of the occurrence of any violation, or within one year from the date on which the applicant learned, or should have learned, of the violation.

**Sec. -5 Penalties.** Any creditor who violates any provision of this chapter shall be fined by a sum not less than \$500 nor more than \$2,500 for each violation, which sum shall be collected in a civil action brought by the director of the office of consumer protection.

**Sec. -6 Inconsistency with federal laws.** No creditor shall be required to comply with any provisions of this chapter that are directly inconsistent with federal laws relating to discrimination in the advancement of credit. A provision of this chapter is not directly inconsistent with federal laws if it provides greater protection to an applicant."

SECTION 2. Section 76-44, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 76-44 Racial, sex, age, religious, color, ancestry, marital status, or political consideration barred.** No person holding any position in the civil service shall be suspended, demoted, or dismissed from his position on racial, sex, age, religious, color, ancestry, marital status, or political grounds."

SECTION 3. Section 378-1, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

"Marital status" means the state of being married or being single."

SECTION 4. Section 378-2, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 378-2 Discriminatory practices made unlawful; offenses defined.**

It shall be unlawful employment practice or unlawful discrimination:

- (1) For an employer to refuse to hire or employ or to bar or discharge from employment any individual because of his race, sex, age, religion, color, ancestry, marital status, or arrest and court record which does not have a substantial relationship to the functions and responsibilities of the prospective or continued employment, provided that an employer may refuse to hire an individual for good cause relating to the ability of the individual to perform the work in question;
- (2) For an employer to discriminate against any individual in compensation or in the terms, conditions, or privileges of employment because of race, sex, age, religion, color, ancestry, marital status, or arrest and court record;
- (3) For any employer or employment agency to print, circulate, or cause to be printed or circulated any statement, advertisement, or publication or to use any form of application for employment or to make any inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, sex, age, religion, color, ancestry, marital status, or arrest and court record unless based on a bona fide occupational qualification;
- (4) For any labor organization to exclude or expel from its membership any person or to discriminate in any way against any of its members, employer, or employees because of race, sex, age, religion, color, ancestry, marital status, or arrest and court record;
- (5) For any employer, labor organization, or employment agency to discharge, expel, or otherwise discriminate against any person because he has opposed any practice forbidden by this part or because he has filed a complaint, testified, or assisted in any proceeding respecting the employment practices and discrimination prohibited under this part;
- (6) For any person whether an employer, employee, or not, to aid, abet, incite, compel, or coerce the doing of any of the practices forbidden by this part, or to attempt to do so;
- (7) For any employer or labor organization to refuse to enter into an apprenticeship agreement, as defined in section 372-2, because of the race, sex, age, religion, color, marital status, or ancestry of an apprentice; provided that no apprentice shall be less than sixteen years of age.”

SECTION 5. Section 515-3, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 515-3 Discriminatory practices.** It is a discriminatory practice for an owner or any other person engaging in a real estate transaction, or for a real estate broker or salesman, because of race, sex, color, religion, marital status, or ancestry:

- (1) To refuse to engage in a real estate transaction with a person;
- (2) To discriminate against a person in the terms, conditions, or privileges of a real estate transaction or in the furnishing of facilities or services in connection therewith;

## ACT 110

- (3) To refuse to receive or to fail to transmit a bona fide offer to engage in a real estate transaction from a person;
- (4) To refuse to negotiate for a real estate transaction with a person;
- (5) To represent to a person that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or to fail to bring a property listing to his attention, or to refuse to permit him to inspect real property;
- (6) To print, circulate, post, or mail, or cause to be so published a statement, advertisement, or sign, or to use a form of application for a real estate transaction, or to make a record or inquiry in connection with a prospective real estate transaction, which indicates, directly or indirectly, an intent to make a limitation, specification, or discrimination with respect thereto; or
- (7) To offer, solicit, accept, use, or retain a listing of real property with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or services in connection therewith."

SECTION 6. New statutory material is underscored. In printing this Act, the revisor of statutes need not include the underscoring.\*

SECTION 7. This Act shall take effect upon its approval.

(Approved May 17, 1975.)

## ACT 110

H.B. NO. 549

A Bill for an Act Amending Section 101-2 of the Hawaii Revised Statutes, Relating To Taking of Private Property for Public Use and the Disposal of Excess Property.

*Be it Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 101-2 of the Hawaii Revised Statutes is hereby amended to read as follows:

**"Sec. 101-2 Taking private property for public use; disposal of excess property.** Private property may be taken for public use. Private property may also be taken by the State or any county in excess of that needed for such public use in cases where small remnants would otherwise be left or where other justifiable cause necessitates such taking to protect and preserve the contemplated improvement, or public policy demands such taking in connection with the improvement, in which case the condemning authority may sell or lease such excess property, with such restrictions as may be dictated by considerations of public policy in order to protect and preserve such improvements; provided that in the disposal of any such excess property, if such property is less than the minimum lot size requirements of the applicable zoning regulations, is of a configuration or topography which in the judgment of a condemning authority cannot be put to a reasonable use in accordance with the applicable

\*Edited accordingly.

zoning regulations, or lacks proper access to a street, it shall be offered to the owner or owners of the abutting land for a reasonable price based on an appraisal; provided further that if such excess property conforms to said minimum lot size requirements, is of a configuration and topography which in the judgment of the condemning authority can be put to a reasonable use in accordance with the applicable zoning regulations and has proper access to a street, then the State or the county, as the case may be, may sell such property at public auction. If there is more than one abutting owner who is interested in purchasing any such excess property which is less than the minimum lot size requirements of the applicable zoning regulations, is of a configuration or topography which in the judgment of a condemning authority cannot be put to a reasonable use in accordance with applicable zoning regulations, or lacks proper access to a street, it shall be sold by sealed bid to the abutting owner submitting the highest offer above the appraised value; provided further that if any such excess property abuts more than one parcel, the condemning authority may subdivide such property so that a portion thereof may be sold to each abutting owner at the appraised value if the public interest is best served by such subdivision and disposal. All moneys received from the sale or lease of such excess property shall be paid into the fund or appropriation from which money was taken for the original condemnation and shall be available for the purposes of such fund or appropriation."

SECTION 2. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 17, 1975.)

## ACT 111

H.B. NO. 611

A Bill for an Act Relating to Police Powers of Foresters and Forest Rangers.

*Be it Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 183-3, Hawaii Revised Statutes, is amended to read:

"**Sec. 183-3 Police powers.** (a) The board of land and natural resources shall:

- (1) Appoint a superintendent of forestry, to be known as the state forester, who shall have charge, direction, and control (subject to the direction and control of the board) of all matters relating to forestry, mentioned in or coming within the scope of chapters 183 to 185 and 187 to 192, and such other matters as the board may from time to time direct. The state forester shall be a trained and educated forester, who shall have made the subject of forestry a special study, and if such a man is

\*Edited accordingly.

available, one who has had practical training and experience in connection with forestry in a tropical country;

- (2) Appoint and commission in each district of the State one or more foresters, and the same at its pleasure remove, who shall serve without pay, to assist the board to carry out the terms and intent of this law;
- (3) Appoint and remove assistant foresters and forest rangers, who shall have police powers in and concerning all matters relating to or connected with forests or forest reservations and the enforcement of any of the provisions of chapters 183 to 185 and 187 to 192, and such other persons as the board may employ.

(b) In the enforcement of laws, rules and regulations relating to forestry coming within the scope of chapters 183, 185, 187 to 192 or promulgated thereunder, the state forester, his agents, any assistant forester and forest ranger shall have the power to arrest, issue summons and citation in the same manner as provided in 184-5.1 and 184-5.2 for state park enforcement officers, as well as the provisions of section 184-5.3 for a person who fails to obey summons.

- (1) Administration of oath. When a complaint is made to any prosecuting officer of the violations of any of the provisions of chapters 183 to 185 and 187 to 192 or any rule or regulations promulgated thereunder, the officer who issued the summons or citation shall subscribe to it under oath administered by another official or officials of the department of land and natural resources whose names have been submitted to the prosecuting officer and who have been designated by the chairman of the board of land and natural resources to administer the same."

SECTION 2. New material is underscored. In printing this Act, the revisor of statutes need not include the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 17, 1975.)

ACT 112

H.B. NO. 822

A Bill for an Act Relating to Costs and Fees.

*Be it Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 607-4(d), Hawaii Revised Statutes, is amended to read:

**"Sec. 607-4 District court costs. \* \* \***

**"(d) Sheriff's or police officer's fees:**

- (1) For serving any criminal summons, warrant, attachment, or other criminal process, \$10.
- (2) For serving any civil summons, warrant, attachment, or other civil process, \$5.

\*Edited accordingly.

- (3) For every copy of an attachment and inventory of the property attached, served upon the defendant, \$1.50.
- (4) For serving any execution, 12 cents for every \$1 collected up to \$50, and 7 cents for every \$1 over \$50.
- (5) For serving subpoena or garnishee summons, \$3.
- (6) For every mile of travel, more than one, in serving any process, 12 cents; provided that (A) no such allowance shall be made where such serving officer uses a conveyance furnished him by the State, or any political or municipal subdivision thereof; (B) where the serving officer serves more than one person in the course of one trip, he shall not charge, in the aggregate for all such services, more than the mileage for the entire trip; and (C) as far as practicable, in order to minimize the mileage fees for such service, the sheriff or other chief of the serving officers, where service of process is to be made upon an island other than that upon which is situated the court issuing such process, shall cause such process to be transmitted to a deputy, the chief of police or other serving officer upon the island of service, who shall make such service upon receipt of such process; and such service shall be valid, notwithstanding that the process may be addressed to the officer actually making such service or to his superior."

SECTION 2. Section 607-8, Hawaii Revised Statutes, as amended is further amended by amending the second paragraph thereof to read:

**"Sec. 607-8 Sheriff's or serving or levying officer's fees in circuit or supreme courts. \* \* \***

"For serving criminal summons or any other criminal process except a subpoena, for each person served therewith . . . \$10.

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 4. This Act shall take effect upon its approval.

(Approved May 17, 1975.)

ACT 113

H.B. NO. 850

A Bill for an Act Relating to the Hawaii Motor Vehicle Accident Reparations Act.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 294-2, Hawaii Revised Statutes, is amended by amending the definition of "motor vehicle" to read:

"(8) "Motor vehicle" means any vehicle of a type required to be registered under chapter 286, including a vehicle with less than four wheels or a trailer."

\*Edited accordingly.

SECTION 2. Section 294-3, Hawaii Revised Statutes, is amended by amending subsection (c) to read:

“(c) “Maximum limit.” The total no-fault benefits payable per person or on his death to his survivor on account of accidental harm sustained by him in any one motor vehicle accident shall be \$15,000, regardless of the number of motor vehicles involved or policies applicable.”

SECTION 3. Section 294-4, Hawaii Revised Statutes, is amended to read:

“**Sec. 294-4 Obligation to pay no-fault benefits.** Every no-fault and self-insurer shall provide no-fault benefits for accidental harm as follows:

- (1) Except as otherwise provided in section 294-5(c):
  - (A) In the case of injury arising out of a motor vehicle accident to any person, including the owner, operator, occupant, or user of the insured motor vehicle, or any pedestrian (including a bicyclist) who sustains accidental harm as a result of the operation, maintenance, or use of said vehicle, the insurer shall pay, without regard to fault, to such person an amount equal to the no-fault benefits payable to such person as a result of such injury; or
  - (B) In the case of death arising out of a motor vehicle accident of any person, including the owner, operator, occupant, or user of the insured motor vehicle, or any pedestrian (including a bicyclist) who sustains accidental harm as a result of the operation, maintenance, or use of said vehicle, the insurer shall pay, without regard to fault, to the legal representative of such person, for the benefit of the surviving spouse and any dependent, as defined in section 152 of the Internal Revenue Code of 1954, of such person, an amount equal to the no-fault benefits payable to such spouse and dependent as a result of the death of such person, subject, however, to the provisions of section 294-2(10).
- (2) Payments for no-fault benefits shall be made as such benefits accrue except that in the case of death, payment for such benefits may, at the option of the beneficiary, be made immediately in a lump sum payment. Amounts of benefits accrued unpaid thirty days after the insurer has received reasonable proof of the fact and amount of benefits accrued, and demand for payment thereof shall, after the expiration of such thirty days, bear interest at the rate of one and one-half per cent per month.
- (3) No part of no-fault benefits paid shall be applied in any manner as attorney's fees in the case of injury or death for which such benefits are paid. The insurer shall pay, subject to section 294-30, in addition to the no-fault benefits due, all attorney's fees and costs of settlement or suit, necessary to effect the payment of any or all no-fault benefits found due under the contract. Any contract in violation of this provision shall be illegal and unenforceable, and it shall constitute an unlawful and unethical act for any attorney to solicit, enter into, or knowingly accept benefits under any such contract.”



SECTION 4. Section 294-6, Hawaii Revised Statutes, is amended to read:

**“Sec. 294-6 Abolition of tort liability.** (a) Tort liability of the owner, operator or user of an insured motor vehicle, or the operator or user of an uninsured motor vehicle who operates or uses such vehicle without reason to believe it to be an uninsured motor vehicle, with respect to accidental harm arising from motor vehicle accidents occurring in this State, is abolished, except as to the following persons or their administrators, executors, or legal guardians, and in the following circumstances:

- (1) Death occurs to such person in such a motor vehicle accident; or injury occurs to such person which consists, in whole or in part, in a significant permanent loss of the use of a part or function of the body; or injury occurs to such person which consists of a permanent and serious disfigurement which results in subjection of the injured person to mental or emotional suffering;
- (2) Injury occurs to such person in a motor vehicle accident in which the amount paid or accrued exceeds the medical-rehabilitative limit established in section 294-10(b) for expenses provided in section 294-2(10)(A) and (B);
- (3) Injury occurs to such person in such an accident and as a result of such injury the aggregate limit of no-fault benefits outlined in section 294-2(10) payable to such person are exhausted.

(b) No provision of this chapter shall be construed to exonerate, or in any manner to limit, the liability of any person in the business of manufacturing, retailing, repairing, servicing, or otherwise maintaining motor vehicles, arising from a defect in a motor vehicle caused, or not corrected, by an act or omission in the manufacturing, retailing, repairing, servicing, or other maintenance of a vehicle in the course of his business.

(c) No provision of this section shall be construed to exonerate, or in any manner to limit the criminal or civil liability of any person who, in the maintenance, operation, or use of any motor vehicle:

- (1) Intentionally causes injury or damage to a person or property; or
- (2) Engages in criminal conduct which causes injury or damage to person or property; or
- (3) Engages in conduct resulting in punitive or exemplary damages.

(d) No provision of this section shall be construed to abolish tort liability with respect to property damage arising from motor vehicle accidents.

SECTION 5. Section 294-8, Hawaii Revised Statutes, is amended to read:

**“Sec. 294-8 Conditions of operations and registration.**

- (a) (1) No person may register any motor vehicle in this State or operate or use a motor vehicle upon any public street, road, or highway of this State at any time unless such motor vehicle is insured under a no-fault policy, containing the requirements of this chapter and pursuant to such regulations, including those determining the manner

and term of proof of such insurance as the commissioner shall prescribe.

(2) The requirements of this subsection may be satisfied by any owner of a motor vehicle if:

(A) Such owner provides a surety bond, proof of qualifications as a self-insurer, or other securities affording security substantially equivalent to that afforded under a no-fault policy, as determined and approved by the commissioner under regulations, and

(B) The commissioner is satisfied that in case of injury or death or property damage, any claimant would have the same rights against such owner as the claimant would have had if a no-fault policy had been applicable to such vehicle.

(b) Any person who violates the provisions of subsection (a) shall be subject to the provisions of subsection 294-39(a).

(c) The provisions of this chapter shall not apply to any vehicle owned by or registered in the name of any agency of the federal government."

SECTION 6. Section 294-9, Hawaii Revised Statutes, is amended by amending subsections (b) and (c) to read:

"(b) Except as provided in subsection (d), an application for a no-fault policy, including required optional additional insurance meeting provisions of section 294-11, covering a motor vehicle may not be rejected by an insurer authorized to issue such a policy unless:

(1) The principal operator of such vehicle does not have a license which permits him to operate such vehicle, or

(2) The application is not accompanied by a reasonable portion of the premium, as determined under regulations of the commissioner.

(c) A no-fault policy, including required optional additional insurance meeting provisions of section 294-11, once issued may not be canceled or refused renewal by an insurer except for:

(1) Suspension or revocation of the license of the principal operator to operate the type of motor vehicle insured, or

(2) Failure to pay the premium for such policy after reasonable demand therefor.

In any case of cancellation or refusal to renew, the insurer shall continue all no-fault and optional additional coverages in force, to the date of expiration, or for thirty days following notice, whichever date first occurs. Within fifteen days of a cancellation, the insurer shall refund the pro rata unearned portion, if any, of any prepaid premiums. In any case of cancellation or refusal to renew written notice by registered or certified mail deliverable to addressee only, shall be given to the insured not less than thirty days prior to the effective date of such cancellation or refusal to renew. Within five calendar days after actual cancellation or processing a cancellation of no-fault insurance, whether at the option of the insurer or the insured, the insurer shall give written notice to the director of finance and the chief of police of the appropriate county of registration."

SECTION 7. Section 294-10, Hawaii Revised Statutes, is amended to read:

**"Sec. 294-10 Required policy coverage.** (a) In order to be a no-fault policy, an insurance policy covering a motor vehicle shall provide, in addition to the coverage specified in section 294-4, insurance to pay on behalf of the owner or any operator of the insured motor vehicle sums which the owner or operator may legally be obligated to pay for injury, death, or damage to property of others, except property owned by, being transported by, or in the charge of the insured, which arise out of the ownership, operation, maintenance, or use of the motor vehicle:

- (1) Liability coverage of not less than \$25,000 for all damages arising out of accidental harm sustained by any one person as a result of any one accident applicable to each person sustaining accidental harm arising out of ownership, maintenance, use, loading, or unloading, of the insured vehicle;
- (2) Liability coverage of not less than \$10,000 for all damages arising out of injury to or destruction of property including motor vehicles and including the loss of use thereof, but not including property owned by, being transported by, or in the charge of the insured, as a result of any one accident arising out of ownership, maintenance, use, loading, or unloading, of the insured vehicle.

(b) The commissioner shall accumulate experience data for all motor vehicle accidents in the State on a yearly basis commencing September 1, 1974, resulting in accidental harm, and shall tabulate the amounts of benefits paid; claims filed; and tort claims filed, settled or litigated; hereinafter collectively termed "claims," for expenses specified in section 294-2(10)(A) and (B) for each of these accidents. He shall arrange the claims made by dollar value from maximum to zero and then determine, annually, that specific figure in dollar value, below which are ninety per cent of all motor vehicle accident medical-rehabilitative claims made or paid during the year. This specific figure shall be utilized annually as the medical-rehabilitative limit during the third and succeeding years for all accidents occurring during those years for the purpose of section 294-6(a)(2). During the first two years of the no-fault program, September 1, 1974 through August 31, 1976, the medical-rehabilitative limit shall be \$1,500.

(c) For the purposes of this section the no-fault policy term year shall commence annually on September 1 and terminate the following August 31. For each term year the commissioner shall make the tabulation of data necessary for the computation of the medical-rehabilitation limit during the period July 1 to June 30 preceding the September 1 start of the no-fault policy term year."

SECTION 8. Section 294-13, Hawaii Revised Statutes, is amended by amending subsections (b) and (j) to read:

"(b) All premium rates for motor vehicle insurance shall be made in accordance with the following provisions:

- (1) Due consideration shall be given to past and prospective loss experi-

ence within this State, to catastrophe hazards, if any, to a reasonable margin for profit and contingencies, to dividends, savings, or unabsorbed premium deposits allowed or returned by insurers to their policyholders, members, or subscribers, to past and prospective loss experience within the State; reasonable margin for profit from and contingencies in the administration of motor vehicle insurance sold within the State; past and prospective expenses in the sale and administration of motor vehicle insurance within the State; and, optionally, to past or prospective loss, sales and administrative costs experience in the nation or regionally, whenever such consideration will serve to reduce rates.

- (2) Due consideration shall be given to the investment income from reserves and unearned insurance premiums and other unearned proceeds received on account of motor vehicle insurance sold in this State, and all other factors that may be deemed relevant, such as but not limited to types of vehicles, occupations, and involvement in past accidents, provided they are established to have a probable effect upon losses or expense, or rates.
- (3) The systems of expense provisions included in the rates for use by any insurer or group of insurers may differ from those of other insurers or groups of insurers to reflect the requirements of the operating methods of any such insurer or group with respect to any class of insurance, or with respect to any subdivision or combination thereof for which subdivision or combination separate expense provisions are applicable.
- (4) Risks may be grouped by classifications for the establishing of rates and minimum premiums. Classification rates may be modified to produce rates for individual risks in accordance with rating plans which establish standards for measuring variations in hazards or expense provisions, or both. Such standards may measure any differences among risks that can be demonstrated to have a probable effect upon losses or expenses.
- (5) Rates shall not be excessive, inadequate, or unfairly discriminatory.
- (6) Rate making and regulation of rates for all insurance subject to this chapter shall be governed by chapter 431; subject, however, to the following:
  - (A) To assure the proper implementation and evaluation of the chapter the commissioner shall fully comply with the provisions of section 431-703;
  - (B) Except as provided in subsection (j) the commissioner shall establish rates and shall consider with other relevant factors loss experience in this State and the investment income of the insurers, and insofar as section 431-694 and section 431-695 are in conflict with this provision, sections 431-694 and 431-695 shall not be applicable herein;
  - (C) To afford all interested persons an opportunity to be heard the commissioner shall, after notice is published pursuant to chapter

- 91, hold a public hearing whenever rates are to be increased;
- (D) The initial rates shall be reviewed prior to September 1, 1975, and thereafter shall be reviewed at least every two years. The commissioner shall issue a public statement or an order approving the rates for the benefit of the public;
  - (E) The commissioner shall order insurers to rebate to policyholders any excessive profit realized by insurers from their operations.

(j) For the period of three years from September 1, 1975, and terminating on August 31, 1978, the commissioner shall be prohibited from setting, maintaining, or in any way fixing the rates charged by motor vehicle insurers for motor vehicle insurance issued in conformity with this chapter as either no-fault insurance or as optional additional insurance except as provided under section 294-23. This three-year period shall be a period of open rating. Each firm licensed to underwrite no-fault insurance in the State shall establish its own rate schedule. The commissioner shall, however, monitor and survey the several companies' rate making methods and systems. The commissioner shall require of each insurer and of each self-insurer any and all information, data, internal memoranda, studies, and audits, he deems desirable for the purpose of evaluation, comparison, and study of the methods and schedules.

Notwithstanding this prohibition, the commissioner shall, in his discretion, intervene at any time during this three-year period, to adjust rates, for the no-fault mandatory, or optional-additional coverages, being assessed by any or all insurers, upon a finding that all or any rates are excessively high or unconscionably below the actual costs of provision of the coverage being assured.

On June 1, 1977, the applicable transition provisions of this chapter shall be effective as to rate making and the commissioner shall perform all acts required by this chapter for the setting and regulation of uniform rates conforming to this chapter to be effective on and after September 1, 1977.

In the establishment of their individual rate schedules, each insurer shall conform fully to paragraphs (b) (1), (2), and (4), during the open rating period."

SECTION 9. Section 294-22, Hawaii Revised Statutes, is amended by amending subsection (b) to read:

"(b) The plan shall provide all no-fault benefits and services and tort liability coverage, to the limits and coverages specified in part I for all classes of persons, motor vehicles, and motor vehicle uses specified in this section upon the payment of premiums as provided in section 294-4, as follows:

- (1) The plan shall provide no-fault benefits and policies for each of the following classes, and each class shall be able to secure a no-fault and tort liability policy through the plan:
  - (A) All motor vehicles owned by licensed assigned risk drivers as the commissioner shall, by regulation, define. The commissioner shall regulate the class in accordance with the general practice of the industry, the applicable results, if any, of his examination

of the motor vehicle insurers' business records and experience, and any applicable and scientifically credible governmental or academic studies of the multi-accident or high-risk automobile driver.

- (B) All motor vehicles owned by licensed drivers convicted within the thirty-six months immediately preceding the date of application, in any jurisdiction of any one or more of the offenses of, or of the offenses cognate to:
    - (i) Heedless and careless driving,
    - (ii) Driving while license suspended or revoked,
    - (iii) Leaving the scene of an accident,
    - (iv) Manslaughter, if resulting from the operation of a motor vehicle,
    - (v) Driving under the influence of an intoxicating liquor as provided in section 291-4 or any drug, except marihuana, as provided in section 291-7.
  - (C) All commercial uses, first class, defined as any commercial use engaged in the transport of passengers for hire or gratuitously.
  - (D) All commercial uses, second class, defined as any commercial, business, or institutional use other than the transport of passengers as described in (C) or the exclusive use of a vehicle for domestic-household-familial purposes;
  - (E) All motorcycles, motor scooters, and vehicles with less than four wheels required to be registered under chapter 286.
- (2) The plan shall provide no-fault benefits and policies for all classes of persons, motor vehicles and motor vehicle uses, at the premiums specified under section 294-24, at the options of the owners, for the following classes, which the commissioner shall, by regulation, further define and regulate:
- (A) All licensed drivers receiving public assistance benefits consisting of medical services or direct cash payments through the department of social services and housing, or benefits from the Supplemental Security Income Program under the Social Security Administration; provided, however, said licensed drivers are the registered owners of motor vehicles to be insured under this chapter.
  - (B) Any licensed physically handicapped driver, including drivers with any auditory limitation.

Each category of driver-owner (A) or (B) may secure no-fault coverage through the plan at the individual's option, provided any previous no-fault policy has expired or has been cancelled. Any person becoming eligible for plan coverage under subparagraph (A) shall first exhaust all paid coverage under any no-fault policy then in force before becoming eligible for plan coverage.

Any person eligible or becoming eligible, under regulations to be adopted by the commissioner, under subparagraph (B), may at any time elect coverage under the plan and terminate any prior private

insurer's coverage.

Any person covered by the plan under subparagraph (A) shall remain eligible for coverage under the plan for a consecutive period of three months following the month in which eligibility for any public assistance benefits terminate.

- (3) Under the joint underwriting plan, all basic no-fault coverages, including the basic no-fault policy, the mandatory \$25,000 public liability and the \$10,000 property damage policies shall be offered by every insurer to each eligible applicant assigned by the bureau. In addition, optional additional coverages shall be offered by every insurer in conformance with section 294-11, for each class except that defined in paragraph (2)(A), as the commissioner shall, by regulation, provide."

SECTION 10. Section 294-24, Hawaii Revised Statutes, is amended by amending subsection (b) to read:

"(b) The commissioner shall periodically set rate schedules, but not less frequently than annually, for all classes, in accordance with this part and the following criteria, so that the total premium income, from all plan motor vehicle insurance, when combined with the investment income, shall annually fund the costs of all joint underwriting plan classes, the joint underwriting assigned claims plan, and the administration of the plans. The commissioner shall establish rates for the following classes within the restrictions stated:

- (1) Motorcycles and motor scooters shall be assessed a premium rate not in excess of that assessed the same driver for automobile coverage; with provisions for deductible no-fault policies of \$100, \$300, \$500, and \$1,000;
- (2) For the licensed public assistance driver, as defined in section 294-22(b)(2)(A), no premium shall be assessed for the basic no-fault, the mandatory public liability or the mandatory property damage policies; and all policies shall conform to the provisions of section 294-22(b)(2); and
- (3) For the physically limited driver defined at section 294-22(b)(2)(B), no rate shall be set higher than that assessed a comparable driver without limitation, except that a higher rate may be surcharged under any applicable standard conforming with section 294-24(a)(2).

The commissioner shall set various systems and schedules of rates based upon the risks involved, the experience with various exposures, uses, and drivers, and may include the establishment of surcharges for specific risks, drivers, and uses, for each of the enumerated classes except the classes limited under paragraphs (2) and (3)."

SECTION 11. Section 294-35, Hawaii Revised Statutes, is amended to read:

"**Sec. 294-35 Allocation of burdens until system established.** The commissioner shall within two years after the effective date of this chapter establish a system of proportionate reimbursement as authorized by the provisions on equitable allocation of burdens among insurers and self-insurers under

section 294-34(c). Until the commissioner has adopted by regulation other criteria for proportionate reimbursement consistent with those provisions of section 294-34(a),

- (1) In accidents involving motor vehicles with a gross weight of more than ten thousand pounds and a vehicle with a gross weight of less than ten thousand pounds, the insurer or self-insurer of the heavier vehicle shall reimburse seventy-five per cent of the no-fault benefits paid by the insurer or self-insurer of the lighter vehicle. However, in conjunction with section 294-7, the insurer or self-insurer of the lighter vehicle shall not recover more than twenty-five per cent of all no-fault benefits paid to any person who effects a tort liability settlement for accidental harm.
- (2) In accidents involving motor vehicles with four or more wheels and motor vehicles with less than four wheels, the insurer or self-insurer of the motor vehicle with four or more wheels shall reimburse eighty per cent of the no-fault benefits paid by the insurer or self-insurer of the motor vehicle with less than four wheels. However, in conjunction with section 294-7, the insurer or self-insurer of the motor vehicle with less than four wheels shall not recover more than twenty per cent of all no-fault benefits paid to any person who effects a tort liability settlement for accidental harm."

SECTION 12. Section 294-39, Hawaii Revised Statutes, is amended by amending subsection (a) to read:

"(a) Any person subject to the provisions of this chapter in the capacity of the operator, owner or registrant of a motor vehicle in this State, or registered in this State, who violates any applicable provision of this chapter, shall be subject to citation for such violation by any county police department in a form and manner approved by the violations bureau of the district court of the first circuit. Each violation shall be deemed a separate offense and shall be subject to a fine not to exceed \$1,000 or thirty days imprisonment, or suspension of motor vehicle operator's license, or forfeiture of motor vehicle certificate of registration, or any combination of such penalties."

SECTION 13. Section 286-140, Hawaii Revised Statutes, is repealed.

SECTION 14. Chapter 294, Hawaii Revised Statutes, is amended by adding a new section, to be appropriately numbered, and to read:

**"Sec. 294- Drivers' education fund underwriters' fee.** (a) There is assessed and levied upon each insurer and self-insurer, as defined in section 294-2, a drivers' education fund underwriters' fee of one dollar per year, on each motor vehicle insured by each insurer or self-insurer. This fee is due and payable in full on an annual basis by means and at a time to be determined by the commissioner.

(b) The commissioner shall deposit these underwriters' fees into a special drivers' education fund account which shall be allocated as follows:

- (1) For the fiscal year 1975-76, 70 percent to the commissioner which shall be expended for the operation of the driver education program



provided for in section 286-128(m) and 30 per cent to the superintendent of the department of education to support the driver education program administered by the department for high school students;

- (2) For the fiscal year 1976-77, 60 per cent to the commissioner which shall be expended for the operation of the driver education program provided for in section 286-128(m) and 40 per cent to the superintendent of the department of education to support the driver education program administered by the department for high school students; and
- (3) For the fiscal year 1977-78 and the fiscal years thereafter, 50 per cent to the commissioner which shall be expended for the operation of the driver education program provided for in section 286-128(m) and 50 per cent to the superintendent of the department of education to support the driver education program administered by the department for high school students.

(c) The commissioner of motor vehicle insurance shall make all necessary rules and regulations for the execution of this section and the distribution of this fund.”

SECTION 15. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 16. This Act shall take effect upon its approval.

(Approved May 17, 1975.)

## ACT 114

H.B. NO. 944

A Bill for an Act Relating to Married Names.

*Be it Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 574-1, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 574-1 Married persons.** Upon marriage, each of the parties to a marriage shall declare the surname each will use as a married person. The surname chosen may be the person’s own, that of the person’s spouse alone or that of the person’s spouse placed before or after the person’s own surname and separated by a hyphen.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 3. This Act shall take effect on January 1, 1976.

(Approved May 17, 1975.)

\*Edited accordingly.

A Bill for an Act Relating to Leaves of Absences of Public Officers and Employees.

*Be it Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 79-1, Hawaii Revised Statutes, is amended to read as follows:

**“Section 79-1 Vacations of public officers and employees; exceptions.** With the exception of school teachers, principals, and cafeteria managers employed in the public schools of the State, the instructional staff of the University of Hawaii, members of the fire departments of the political subdivisions of the State, and persons employed pursuant to paragraphs (2), (3), and (16) of section 76-16, paragraphs (g), (h), and (i) of section 6-303 of the charter of the city and county of Honolulu, and paragraphs (7), (8), and (12) of section 76-77, all officers and employees of the State or of the political subdivisions of the State and all full-time elected and appointive officers and employees of the State and the political subdivisions of the State shall be entitled to and granted a vacation with pay each calendar year calculated at the rate of one and three-quarters working days for each month of service. A month of service shall be deemed to mean a calendar month in which the employee performs not less than nineteen days of actual service or for calendar months with less than nineteen working days, actual service on all available working days. A provisional employee, as such, shall not be entitled to a vacation with pay, but he shall be entitled to earn and accrue vacation allowances during the term of his provisional appointment, and if upon the termination of his provisional appointment he receives a probationary or limited term or permanent appointment in the same position, he shall be credited with the allowances earned and accrued during the provisional appointment, but if he does not become such probationary or regular employee, the vacation allowances shall be automatically forfeited. Vacation allowances shall be recorded and administered on a calendar year basis, the allowance accruing during each calendar year being credited to employees as of December 31 of each year.

An annual vacation, or any part thereof unused, shall be automatically accumulated for succeeding years, except that the total recorded accumulation shall be in no event more than ninety working days; provided that no more than fifteen days a year may be accumulated unless prior approval is secured by the employee from his department head for the accumulation of the full amount, the accumulation to be granted only for good cause shown; and provided further that no employee shall be granted or permitted to take a vacation in any calendar year in excess of ninety working days, but whenever the employee's accumulated vacation credit exceeds ninety working days he shall be paid salary in lieu of vacation to the extent of the excess if, upon investigation by the comptroller of the State, the director of finance of the city and county of Honolulu, or the county auditor of the other counties, as the case may be, it is found that the excess vacation credit resulted from the employee's inability to be allowed vacation time off because of orders of his appoint-

ing authority; otherwise the employee shall automatically forfeit the excess.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 17, 1975.)

## ACT 116

H.B. NO. 1248

A Bill for an Act Relating to Conditional Release Centers.

*Be it Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 353-22, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The director of social services may establish and operate facilities to be known as conditional release centers, either operated separately, or as part of community correctional centers.”

SECTION 2. Statutory material to be repealed is bracketed. In printing this Act, the revisor of statutes need not include the brackets or the bracketed material.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 17, 1975.)

## ACT 117

H.B. NO. 1783

A Bill for an Act Relating to Adoption.

*Be it Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 578, Hawaii Revised Statutes, is amended in the following respects:

(1) Section 578-2 is amended to read as follows:

“**Sec. 578-2 Consent to adoption.** (a) Persons required to consent to adoption. Unless consent is not required or is dispensed with under paragraph (b) hereof, a petition to adopt a child may be granted only if written consent to the proposed adoption has been executed by:

- (1) The mother of the child;
- (2) A legal father as to whom the child is a legitimate child;
- (3) An adjudicated father whose relationship to the child has been determined by a court;
- (4) A presumed father under section 578-2(c);

\*Edited accordingly.

- (5) A concerned natural father who is not the legal, adjudicated or presumed father but who has demonstrated a reasonable degree of interest, concern or responsibility as to the welfare of a child, either:
    - (A) during the first 30 days after said child's birth; or
    - (B) prior to the execution of a valid consent by the mother of the child; or
    - (C) prior to the placement of the child with adoptive parents; whichever period of time is greater;
  - (6) Any person or agency having legal custody of the child or legally empowered to consent;
  - (7) The court having jurisdiction of the custody of the child, if the legal guardian or legal custodian of the person of the child is not empowered to consent to adoption;
  - (8) The child to be adopted if more than ten years of age, unless the court in the best interest of the child dispenses with the child's consent.
- (b) Persons as to whom consent not required or whose consent may be dispensed with by order of the court.
- (1) Persons as to whom consent not required:
    - (A) A parent who has deserted a child without affording means of identification for a period of ninety days or who has voluntarily surrendered the care and custody of the child to another for a period of two years;
    - (B) A parent of a child in the custody of another, if the parent for a period of at least one year has failed to communicate with the child when able to do so, or for a period of at least one year has failed to provide for care and support of the child when able to do so;
    - (C) A natural father who was not married to the child's mother at the time of the child's conception or birth and who does not fall within the provisions of §578-2(a) (3) or (4) or (5) and who is found by the court to have failed to demonstrate a reasonable degree of interest, concern or responsibility as to the welfare of a child either (i) during the first 30 days after said child's birth, or (ii) prior to the execution of a valid consent by the mother of the child, or (iii) prior to the placement of the child with adoptive parents, whichever period of time is greater;
    - (D) A parent whose parental rights have been judicially terminated under the provisions of chapter 572, or under the provisions of any other state or other law by a court or other agency having jurisdiction to take such action;
    - (E) A parent judicially declared mentally incompetent or mentally retarded if the court dispenses with such parent's consent;
    - (F) Any legal guardian or legal custodian of the child sought to be adopted, other than a parent, who has failed to respond in writing to a request for consent for a period of sixty days or who, after examination of his written reasons for withholding consent, is found by the court to be withholding his consent unreasonably.
  - (2) Persons whose consent may be dispensed with by order of the court.

The court may dispense with the consent of a parent who comes within §578-2(a) (3) or (4) or (5) herein, upon a finding that:

- (A) The petitioner is the stepfather of the child and the child has not lived with the adjudicated, presumed or concerned father for a substantial period of time; or
  - (B) The adjudicated, presumed or concerned father has not filed a petition to adopt said child; or
  - (C) The adjudicated, presumed or concerned father is not a fit and proper person who is financially and otherwise able to give the child a proper home and education.
- (c) Presumption of paternity. A man is presumed to be the natural father of a child if:
- (1) He and the child's natural mother are or have been married to each other and the child is born during the marriage, or within three hundred days after the marriage is terminated by death, annulment, declaration of invalidity, or divorce, or after a decree of separation is entered by a court;
  - (2) Before the child's birth, he and the child's natural mother have attempted to marry each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared invalid, and:
    - (A) If the attempted marriage could be declared invalid only by a court, the child is born during the attempted marriage, or within three hundred days after its termination by death, annulment, declaration of invalidity, or divorce; or
    - (B) If the attempted marriage is invalid without a court order, the child is born within three hundred days after the termination of cohabitation;
  - (3) After the child's birth, he and the child's natural mother have married, or attempted to marry, each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared invalid; and
    - (A) He has acknowledged his paternity of the child in writing filed with the department of health;
    - (B) With his consent he is named as the child's father on the child's birth certificate; or
    - (C) He is obligated to support the child under a written voluntary promise or by court order;
  - (4) While the child is under the age of majority, he receives the child into his home and openly holds out the child as his natural child; or
  - (5) He acknowledges his paternity of the child in writing filed with the department of health, which shall promptly inform the mother of the filing of the acknowledgment, and she does not dispute the acknowledgment within a reasonable time after being informed thereof, in a writing filed with the department of health. If another man is presumed under this section to be the child's father, acknowledgment may be effected only with the written consent of the presumed father or af-

ter the presumption has been rebutted. If the acknowledgment is filed and not disputed by the mother and if another man is not presumed under this section to be the child's father, the department of health shall prepare a new certificate of birth in accordance with HRS §338.

(d) Notice of hearing; minor parent; consent authorizing selection of adoptive parents. No hearing of a petition for adoption shall be had unless each of the living parents of the child who falls within the provisions of paragraph 2(a) and who has not consented to the proposed adoption, but who is alleged to come within the provisions of paragraphs (b) (1) (A) or (b) (1) (B) or (b) (2) of this section, shall have had due notice, actual or constructive, of the allegations of the petition and of the time and place of the hearing thereof. Such notice need not be given to any parent whose parental rights have been legally terminated as hereinabove provided or whose consent has been filed with the petition.

The minority of a child's parent shall not be a bar to the right of such parent to execute a valid and binding consent to the adoption of such child.

Any parental consent required hereunder shall be valid and binding even though it does not designate any specific adoptive parent or parents, if it clearly authorizes the department of social services and housing, or a child placing organization approved by the department under the provisions of section 346-17 or some proper person not forbidden by law to place a child for adoption, to select and approve an adoptive parent or parents for the child.

(e) Withdrawal of consent. A consent to adoption which has been filed or received in evidence in an adoption proceeding or which has been given to the department of social services and housing or to a child placing organization approved by the department under the provisions of section 346-17, or to any other proper person not forbidden by law to place or receive a child for adoption, may not be withdrawn or repudiated after the child has been placed for adoption, without the express approval of the court based upon a written finding that such action will be for the best interests of the child.

(f) Maintenance of action based on medical or surgical treatment of child barred when. A person who consents to adoption, or on whose behalf a consent to adoption is signed, and a nonconsenting parent whose consent is not required or is dispensed with hereunder shall be barred from maintaining any action based upon medical or surgical care or treatment given to the child with the permission of the petitioner or petitioners or the person or agency authorized by the parental consent to select and approve an adoptive parent or parents; provided that nothing herein contained shall be construed to alienate or impair any cause of action accruing to the child for personal injury which may be sustained as a result of such medical or surgical care or treatment."

(2) A new section to be numbered 578-17 is added to read as follows:

"**Sec. 578-17 Guardian ad litem.** Upon a finding by the court, in any stage of a proceeding under this chapter, that the best interests of a child whose adoption is sought herein will be served by the appointment of a guardian ad litem for said child, the court may appoint a guardian ad litem to preserve, protect and promote the best interests of the child."

SECTION 2. Statutory material to be repealed is bracketed. New ma-

terial is underscored. In printing this Act, the revisor of statutes may exclude the brackets, the bracketed material, or the underscoring.\*

SECTION 3. This Act shall take effect on July 1, 1975.

(Approved May 17, 1975.)

## ACT 118

H.B. NO. 1873

A Bill for an Act Relating to Renewal of License for Professional and Vocational Licenses.

*Be it Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 436-4, Hawaii Revised Statutes, is amended to read:

**"Sec. 436-4 Other fees.** Each applicant shall submit with his application a fee of \$5. The fee shall not be refundable.

Each licensee shall pay to the board of examiners a biennial license renewal fee of \$20, payable in advance on or before December 31 of each odd-numbered year.

A license which has not been renewed on or before December 31 shall expire on January 1. The holder of an expired license may have the same restored within one year of the date of expiration upon due application thereof, payment of the delinquent fees and a penalty of \$5."

SECTION 2. Section 436D-7, Hawaii Revised Statutes, is amended to read:

**"Sec. 436D-7 Fees and expenses.** No applicant shall be examined under this chapter until he has paid to the board of acupuncture a fee of \$60. Every person holding a license under this chapter shall reregister with the board each year, not later than December 31 of each odd-numbered year, and for such registration shall pay a fee of \$20. Failure to do so shall constitute a forfeiture of license, which may be restored only upon written application therefor and payment to the board of a fee of \$30. All such fees shall be deposited by the director of regulatory agencies with the director of finance to the credit of the general fund."

SECTION 3. Chapter 437, Hawaii Revised Statutes, is amended in the following manner:

(1) By amending section 437-22, Hawaii Revised Statutes, to read:

**"Sec. 437-22 License fees.** (a) Authority to establish. The board shall establish by rules and regulations in accordance with chapter 91 the original and biennial license fees for licenses issued pursuant to this chapter.

(b) Payment. In all cases the license and filing fees shall accompany the application for license.

(c) Refund. In case the license is not granted, the license fee but not the

\*Edited accordingly.

filing fee shall be returned to the applicant at the time he is formally notified that his application is denied.”

(2) By amending section 437-23, Hawaii Revised Statutes, to read:

“**Sec. 437-23 Term of license.** (a) Expiration. All licenses issued pursuant to this chapter shall expire on June 30 of each even-numbered year unless sooner terminated, suspended, or revoked. All applications for renewal of license shall be filed on or before June 30 of each even-numbered year together with the applicable fees.

(b) Reapplication. If a licensee fails to renew his license on or before June 30 of each even-numbered year and desires to continue in the business or activity for which the license was issued, he shall file a new application for a license and shall pay in addition to the license and filing fee a penalty of twenty-five percent of the original license fee; provided that the board may for good cause waive the collection of all or a part of the penalty; and provided that nothing contained in this section shall limit the power of the board to deny any application on the grounds provided in this chapter.”

SECTION 4. Chapter 438, Hawaii Revised Statutes, is amended in the following manner:

(1) By amending section 438-11, Hawaii Revised Statutes, to read:

“**Sec. 438-11 Fees.** (a) The fee to be paid by an applicant for an examination to determine his fitness to receive a certificate of registration to practice barbering shall be \$15. The fee to be paid by an applicant for an examination to determine his fitness to receive a certificate of registration to practice as an apprentice shall be \$10.

(b) The fee to be paid for the renewal of a certificate of registration to practice barbering shall be \$10, and for the restoration of an expired certificate \$10.

(c) The fee to be paid for the renewal of the certificate of registration to practice as an apprentice shall be \$8, and for the restoration of an expired certificate \$8.

(d) The fee to be paid by an applicant to conduct a barber shop shall be \$25. The fee to be paid for the biennial renewal of a certificate shall be \$20 and for the restoration of an expired certificate \$20.

(e) A duplicate certificate will be issued upon the filing of a statement covering the loss of a certificate or permit, verified by the oath of the applicant, and the submission by him of one signed photograph of himself, and the payment of a fee of \$1. Each duplicate certificate or permit shall have the word “duplicate” stamped across the face thereof, and shall bear the same number as the certificate or permit that it was issued in lieu of. All fees received by the board of barbers shall be deposited by the director of regulatory agencies with the director of finance to the credit of the general fund.”

(2) By amending section 438-12, Hawaii Revised Statutes, to read:

“**Sec. 438-12 Renewal of certificates.** The holder of a certificate issued by the board of barbers who continues in active practice shall biennially, on or before December 31 of each odd-numbered year, renew his certificate and pay the renewal fee. A certificate which has not been renewed shall expire Decem-



ber 31 of the odd-numbered year, next following the date of issuance. The holder of an expired certificate may have the same restored within three years of the date of expiration, upon due application therefor and payment of the delinquent fees.”

SECTION 5. Section 439-15, Hawaii Revised Statutes, is amended to read:

“**Sec. 439-15 Certificates of registration.** (a) Certificates. The board of cosmetology shall issue a certificate of registration as apprentice, student, operator, or instructor, as the case may be, to each person who passes the required examination, pays the proper fee, and meets all of the other requirements of this chapter. The certificate shall state specifically the occupation for which the person is registered and shall be signed by the president and secretary and impressed with the seal of the board.

(b) Expiration. All certificates issued by the board expire on December 31 of each odd-numbered year.

(c) Renewal. Every registered operator and instructor shall pay to the treasurer of the board between December 1 and 31 of each odd-numbered year a biennial renewal fee of \$8. The payment of the renewal fee shall entitle the registrant to renewal of his certificate.

(d) Renewal after lapse. The certificate of an apprentice, operator, or instructor shall be reinstated upon payment of all delinquent fees and a penalty of \$10 if application is made within three years after lapse.”

SECTION 6. Section 441-31, Hawaii Revised Statutes, is amended to read:

“**Sec. 441-31 Fees, original license and biennial renewals, refunds.** (a) The fee for a cemetery or pre-need funeral authority original license and reinstatement of a suspended license shall be \$200 and the biennial renewal fee shall be \$400 except as otherwise provided in sec. 441-22.5.

The biennial renewal fee shall be paid to the board on or before December 31 of each odd-numbered year. Failure, neglect or refusal of any duly licensed cemetery or pre-need funeral authority to pay the biennial renewal fee shall constitute a forfeiture of his license. Any such license may be restored upon written application therefor within one year of such date and the payment of the delinquent fees plus an amount equal to ten percent thereof.

(b) The fee for a cemetery or pre-need funeral salesman license shall be \$25. The biennial renewal fee shall be \$30, and the fee for reinstatement of a suspended license shall be \$30.

The biennial renewal fee shall be paid to the board on or before December 31 of each odd-numbered year. Failure, neglect, or refusal of any duly licensed salesman to pay the biennial renewal fee shall constitute a forfeiture of his license. The license of the salesman may be restored upon written application therefor and the payment to the board of \$25.

(c) A fee of \$5 shall be charged for the reissuance of any lost license or for the reissuance of license when there has been a change in the licensee's name or when a salesman is employed by a different authority.

(d) All fees and other moneys collected or received under this chapter

shall be deposited by the director of regulatory agencies with the director of finance to the credit of the general fund.

(e) The board may request the director of regulatory agencies to have any fee erroneously paid to it under this chapter refunded when the board deems it just and equitable.”

SECTION 7. Section 442-11, Hawaii Revised Statutes, is amended to read:

“**Sec. 442-11 Biennial registration; fees; failure to register.** Every person holding a license to practice chiropractic in the State shall reregister with the secretary-treasurer of the board of chiropractic examiners on or before December 31 of each odd-numbered year and shall pay a reregistration fee of \$15. The secretary of the board shall, on or before November 30 of each odd-numbered year mail to the last known address of all licensed chiropractors a notice thereof.

The failure, neglect, or refusal of any person holding a license to practice chiropractic to reregister or to pay the reregistration fee of \$15, after thirty days of delinquency, constitutes a forfeiture of his license; provided that the license shall be restored upon written application therefor together with a payment of all delinquent fees and \$25, if such application and payments are made within a period of one year from the date of the inception of such delinquency. In the event, however, such delinquency is permitted to continue over a period of one year, in addition to the foregoing requirements, such person shall submit to and successfully pass a reexamination written or oral, conducted by the board at its regular meetings.”

SECTION 8. Section 443-12, Hawaii Revised Statutes, is amended to read:

“**Sec. 443-12 Fees; biennial renewals.** (a) The fee for any license prescribed by this chapter shall be as follows:

- (1) License as a collection agency, \$60, if the initial license is obtained between July 1 and December 31; but if it is obtained between January 1 and July 1, the fee for a license valid to the latter date shall be \$30.
- (2) Biennial renewal of license to act as a collection agency, \$120.
- (3) Biennial license for each place of business other than the principal one, \$60.

(b) The biennial renewal fee shall be paid to the board before July 1 of each even-numbered year. Any licensee who fails to pay his renewal fee before July 1 shall in addition to the regular license fee, be penalized and pay \$1 for each day elapsing between July 1 and the day payment is tendered. The board shall notify the delinquent licensee of his failure to renew his license as provided in this section, within five days after such delinquency occurs. This notification shall be by registered mail, addressed to the principal place of business of the licensee as shown by the board's records, notifying him of his failure to register. This notification shall state that the licensee's license will be revoked unless application for renewal, a renewal or new bond and payment of the renewal license fee together with the \$1 daily penalty is submitted within twenty days from the date of mailing the notice. Failure to file within the pre-

scribed twenty days shall work an automatic forfeiture of the delinquent license unless just cause is shown for a further extension of time, in which case no further penalty of \$1 per day shall be assessed against the licensee from and after the date such extension is granted by the board. For good cause the collection agency board may waive all or any part of the penalty herein prescribed.

The license certificate mentioned in this section shall be in a form and size prescribed by the board. Each license certificate shall show the name of the licensee and his business name and address, the date of expiration of the license, and such other information as may be prescribed by the board. While any license is in force, it shall be displayed in a conspicuous place in the outer office of the collection agency.”

SECTION 9. Section 444-15, Hawaii Revised Statutes, is amended to read:

“Sec. 444-15 Fees; biennial renewals. (a) The fees for each original license and biennial renewal thereof prescribed by this chapter shall be as follows:

- (1) Original license fee
  - License to act as specialty contractor . . . . . \$100
  - License to act as general engineering contractor . . . . . \$200
  - License to act as general building contractor . . . . . \$200
- (2) Original license fee for responsible management employee (RME)
  - License to act as RME in specialty contracting . . . . . \$100
  - License to act as RME in general engineering contracting . . . . \$200
  - License to act as RME in general building contracting . . . . . \$200
- (3) Renewals
  - Renewal of specialty contractor’s license . . . . . \$ 50
  - Renewal of general engineering contractor’s license . . . . . \$150
  - Renewal of RME for all classifications . . . . . \$ 50
- (4) Reissuance of a license or issuance of a certified copy of license . . . . . \$ 5
- (5) Application for additional classifications  
 (Fee shall be charged for each application. More than one classification may be requested on a single application without additional fee.) . . . . . \$ 25
- (6) Inactive license fee (in lieu of renewal fee) . . . . . \$ 20
- (b) The biennial fee or inactive license fee shall be paid to the contractors

license board on or before April 30 of each even-numbered year. Failure, neglect, or refusal of any licensee to pay the biennial renewal fee before such date shall constitute a forfeiture of his license. Any such license may be restored upon written application therefor within one year from such date and the payment of the required fee plus an amount equal to ten per cent thereof.

Upon written request by a contractor and for good cause, the board shall place an active license in an inactive status. The license, upon payment of the biennial inactive license fee, may continue inactive for a period of three years after which time it must be reactivated or shall automatically become forfeited. The license may be reactivated at any time within the three-year period by ful-

filling the requirements for renewal, including the payment of the appropriate renewal fee.”

SECTION 10. Section 447-1, Hawaii Revised Statutes, is amended to read:

“**Sec. 447-1 Who may become dental hygienists.** Any person of good moral character being eighteen years of age or over and holding or having a diploma or a proper certificate of graduation from an accredited high school employing at least a four year course of instruction and likewise holding and having a diploma or proper certificate of graduation from an American training school for dental hygienists requiring at least a two year course, accredited and recognized by the board of dental examiners, may, upon written application made to and filed with the secretary of the board at least thirty days prior to the date selected by the board for the examination, be examined by the board for qualification as a dental hygienist.

The application for examination shall be accompanied by the applicant’s certificate of graduation, and at the time of filing the same, the applicant shall pay to the board an examination fee of \$30, which fee, together with all other fees or charges in this chapter provided, shall be deposited by the director of regulatory agencies with the director of finance to the credit of the general fund.

Two examinations shall be held each year, one in February and one in August. The examinations shall be conducted in the English language and shall cover subjects considered essential by the board for a dental hygienist and shall likewise include a practical examination on the removal of deposits or stains from the exposed surfaces of the teeth. The board shall furnish a chair and engine, but the applicant shall supply all necessary instruments, materials, and patients for the examination.

If the applicant, in the opinion of the board, successfully passes the examination, he shall be registered and receive a certificate of ability to practice as a dental hygienist in the State. Every registered dental hygienist, before entering practice, shall pay the board \$4.50 as a registration fee. On or before December 31 of each odd-numbered year, every registered dental hygienist desiring to begin or continue to practice in the State shall pay to the board a fee of \$9 for the biennial registration thereof. The failure, neglect, or refusal of any such duly licensed dental hygienist to pay the biennial registration fee shall constitute a forfeiture of the license, but the license may be restored upon written application therefor and the payment to the board of the sum of \$20.

Every dental hygienist practicing dental hygiene in the State shall furnish the board with his place of employment and the name of the dentist or institution by whom he is employed.

No person shall practice dental hygiene, either gratuitously or for pay, or shall offer or attempt so to practice, or shall advertise or announce himself publicly or privately as prepared or qualified so to practice, without having a license as in this section provided, nor shall any licensed dental hygienist practice except under the supervision of a licensed dentist as in this chapter provided.”

SECTION 11. Section 448-7, Hawaii Revised Statutes, is amended to read:

**“Sec. 448-7 Fees.** Every person holding a license to practice dentistry in the State shall pay to the board on or before December 31 of each odd-numbered year, a biennial registration fee in the sum of \$21. The failure, neglect, or refusal of any duly licensed dentist or doctor of dental surgery to pay such biennial fee during the time his license remains in force, shall constitute a forfeiture of his license. The license may be restored upon written application therefor and the payment to the board of dental examiners of the sum of \$25. All fees received by the board shall be deposited by the director of regulatory agencies with the director of finance to the credit of the general fund.”

SECTION 12. Chapter 448A, Hawaii Revised Statutes, is amended in the following manner:

(1) By amending section 448A-3, Hawaii Revised Statutes, to read:

**“Sec. 448A-3 License fee.** Every escort agency shall pay an original license fee of \$25 and a biennial renewal fee of \$50. The fee shall be paid to the director on or before July 1 of each even-numbered year. Failure to pay the biennial license fee shall constitute a forfeiture of license. Fees collected by the director shall be deposited in the general fund of the State.”

(2) By amending section 448A-7, Hawaii Revised Statutes, to read:

**“Sec. 448A-7 Termination of license.** Every license to conduct an escort agency shall be valid under the terms set forth in the license. The license shall expire on June 30 of each even-numbered year.”

SECTION 13. **Section 448E-8 Fees; biennial renewals.** (a) The fees for each original license and renewal thereof prescribed by this chapter shall be fixed by the board.

(b) The biennial renewal fee shall be paid to the board before July 1 of each even-numbered year. Failure, neglect, or refusal of any licensee to pay the biennial renewal fee before such date shall constitute a forfeiture of the license. Any such license may be restored upon written application therefor within one year from such date and the payment of the required fee plus an amount equal to ten per cent thereof.”

SECTION 14. Section 448H-8, Hawaii Revised Statutes, is amended to read:

**“Sec. 448H-8 License fees, renewals.** An applicant for a license or temporary permit to practice as an elevator mechanic shall pay a fee of \$10. A fee of \$5 is required for each re-examination. Application fees are not refundable.

Licenses shall expire on June 30 of each even-numbered year and the biennial license renewal fee shall be \$20.”

SECTION 15. Section 451A-8, Hawaii Revised Statutes, is amended to read:

**“Sec. 451A-8 Biennial renewal of license; fees; effect of failure to renew.** Each person who engages in the fitting and sale of hearing aids shall on or before December 31 of each odd-numbered year, pay to the department a biennial fee of \$10, for renewal of his license and shall keep the certificate conspicu-

ously posted in his office or place of business at all times. Where more than one office is operated by the licensee, duplicate certificates shall be issued by the department for posting at each location. A thirty-day grace period shall be allowed after December 31, during which time licenses may be renewed upon payment of \$20 to the department. After expiration of the grace period, the department may renew such certificates upon payment of \$30 to the department. No person who applies for renewal, whose license has expired, shall be required to submit to any examination as a condition to renewal; provided that the renewal application is made within two years from the date of expiration."

SECTION 16. Section 452-16, Hawaii Revised Statutes, is amended to read:

**"Sec. 452-16 Renewal of certificate; fees.** All certificates shall expire on June 30 of each even-numbered year following the date of issuance unless renewed for the next biennium. A certificate may be renewed by filing an application therefor, accompanied, in the case of an operator, by a renewal fee of \$15 and a medical report similar to that required on initial application and, in the case of a salon, by a renewal fee of \$15. The application shall be made between May 1 and June 30 of each even-numbered year. Failure to apply for renewal as herein provided shall constitute a forfeiture of the certificate as of the date of expiration. Any certificate so forfeited may be restored within three years after expiration upon the filing of an application in the same manner and payment, in addition to all delinquent fees, of a penalty of \$5."

SECTION 17. Section 453-6, Hawaii Revised Statutes, is amended to read:

**"Sec. 453-6 Fees; expenses.** No applicant shall be examined under this chapter until he has paid to the board of medical examiners a fee of \$125. As a prerequisite to the issuance of a limited and temporary license under this chapter, the applicant shall pay to the board a fee of \$25; provided, that the fee to be paid by an applicant qualifying under section 453-3(4) shall be \$5. Every person holding a license under this chapter shall reregister with the board biennially in each even-numbered year, not later than January 31 and for such registration shall pay a fee of \$15. Failure to do so shall constitute a forfeiture of license, which may be restored only upon written application therefor and payment to the board of a fee of \$25. All such fees shall be deposited by the director of regulatory agencies with the director of finance to the credit of the general fund."

SECTION 18. Section 455-8, Hawaii Revised Statutes, is amended to read:

**"Sec. 455-8 License to practice; biennial registration.** Licenses to practice naturopathy shall be issued by the board in such form as the board determines, to those who qualify according to this chapter. Naturopathy physicians licensed under this chapter shall observe and be subject to all state regulations relative to reporting births and deaths and all matters pertaining to the public health with equal rights and obligations as physicians, surgeons, and practitioners of other schools of medicine. Every person holding a license to practice

in the State shall reregister with the state board of examiners in naturopathy on or before December 31 of each odd-numbered year and shall pay a reregistration fee of \$15. The failure to so reregister and pay the reregistration fee constitutes a forfeiture of license; provided that the license shall be reinstated upon written application therefor together with payment of all delinquent fees and the sum of \$75."

SECTION 19. Section 457-9, Hawaii Revised Statutes, is amended to read:

**"Sec. 457-9 Renewal of license.** The license of every person licensed under this chapter shall be renewed biennially, except as hereinafter provided. Biennially in each odd-numbered year on or before July 1, the board shall mail an application for renewal of license to every person to whom a license was issued or renewed during the biennium. The applicant shall fill in the application blank and return it to the board with a renewal fee of \$10 before June 30. Upon receipt of the application and fee the board shall verify the accuracy of the application and issue to the applicant a certificate of renewal for the biennium beginning July 1 and expiring two years hence on June 30. Such renewal shall render the holder thereof a legal practitioner of nursing for the period stated on the renewal form.

Any licensee who allows his or her license to lapse by failing to renew the license as provided above may be reinstated by the board on satisfactory explanation of the failure to renew and on payment of the renewal fee and a penalty fee of \$5.

Any person practicing nursing during the time his or her license has lapsed shall be considered an illegal practitioner and shall be subjected to the penalties provided for violations of this chapter.

A nurse who does not engage in nursing in the State during the succeeding year shall not be required to pay the renewal fee as long as he or she remains inactive. Should he or she wish to resume nursing at some future time he or she shall so notify the board and remit the renewal fee for the current biennial period."

SECTION 20. Section 457B-9, Hawaii Revised Statutes, is amended to read:

**"Sec. 457B-9 Fees.** An applicant for a license to practice nursing home administration by examination shall pay a fee of \$40. A fee of \$20 is required for each reexamination. Application fees shall not be refundable.

The biennial fee for a temporary license or a renewal of license shall be \$50. The biennial renewal fee shall be paid to the board on or before June 30 of each even-numbered year. Failure, neglect, or refusal of any duly licensed nursing home administrator to pay the biennial renewal fee shall constitute a forfeiture of the nursing home administrator's license. The license may be restored within 3 years upon written application therefor and the payment to the board of all delinquent fees plus a penalty of \$10 and evidence of participation in educational programs.

All fees and other moneys collected or received under this chapter shall be deposited by the director of regulatory agencies with the director of finance

to the credit of the general fund.”

SECTION 21. Section 458-8, Hawaii Revised Statutes, is amended to read:

**“Sec. 458-8 Expiration and renewal.** Certificates issued under this chapter, unless sooner suspended or revoked, expire on July 1 of each even-numbered year, but may be biennially renewed by the certificate holders in good standing upon the payment of a biennial renewal fee of \$30. The holder of an expired certificate may have the same restored within one year of the date of expiration upon due application therefor and payment of the delinquent fees and a penalty of \$10.”

SECTION 22. Section 459-7, Hawaii Revised Statutes, is amended to read:

**“Sec. 459-7 Examination; certificate of registration.** Except as otherwise provided in this chapter, every person desiring to begin or to continue the practice of optometry shall, before beginning or continuing such practice, upon presentation of satisfactory evidence, verified by oath, that he is at least eighteen years of age, is a citizen of the United States, is a graduate of a high school, is a graduate of an American optometric college, school, or university recognized and approved by the board of examiners in optometry and the American optometric association, take an examination before the board upon complying with the following requirements:

Applications for examination shall be made out and filed in writing with the secretary of the board and each application shall be accompanied by a fee of \$30, which shall be retained by the board.

Each applicant shall file, in writing, with the secretary at least thirty days prior to the date selected by the board for such examination, the following credentials:

- (1) A diploma or certificate of graduation from an American optometric college or school recognized and approved by the board;
- (2) A certificate that the applicant is of good moral character. Certificates of good moral character for applicants who are licensed in some other state of the United States shall bear the signatures and seals of the secretary of the board of optometric examiners, and the secretary of the state optometric association of that state;
- (3) An unretouched unmounted recent photograph of the applicant.

The applicants shall be given due notice of the date and place of examination. No applicant who fails to obtain an average of seventy per cent in every subject upon which he is examined shall be passed by the board. If an applicant, because of his failure to pass an examination is refused a license, he shall, within one year, be permitted to take a second examination without additional fee. If an applicant fails the second time, he shall be required to file a new application and to pay an additional fee of \$30. If an applicant fails the third time or any subsequent time, he shall be required to file a new application and to pay an additional fee of \$30 and to take a complete examination.

An appeal to the circuit court, of the circuit within which the applicant resides, may be taken from any decision of the board by any applicant who is re-



fused or denied a certificate.

Every candidate who passes an examination shall be registered as possessing the qualifications required by this chapter, and shall receive from the board a proper certificate of registration. Before any certificate is issued it shall be numbered and recorded in a book kept by the secretary of the board of examiners in optometry.

Each registered optometrist shall pay a biennial license fee of \$15 between December 1 and December 31 of each odd-numbered year, to the treasurer of the board for a renewal of his registration certificate for the biennium. The failure of any regular licensed optometrist to pay his biennial license fee in advance on or before December 31 of each odd-numbered year, during the time his license remains in force, shall ipso facto, work a revocation and forfeiture of his license. Any person whose license is so revoked and forfeited shall pay a penalty of \$25 for the restoration of his license, and, in addition, all delinquent biennial license fees. When an application for restoration of a license is made and all delinquent license fees and penalties are paid within three years after the forfeiture no examination shall be required. If this is not done within three years, the license shall not be restored unless the regular examination for applicants is passed by such person.

Each registered optometrist shall submit proof to the board of examiners that he did, on or before December 31 of each even-numbered year, during the time his license remains in force, meet the requirement of continuing education in programs as set and approved by the board. The board shall establish such rules and regulations for the certification of the administration of the continuing education program.”

SECTION 23. Section 460-5, Hawaii Revised Statutes, is amended to read:

“**Sec. 460-5 Fees.** (a) License fee. No applicant for a license to practice as an osteopathic physician or as an osteopathic physician and surgeon shall be examined until he has paid to the board of osteopathic examiners a fee of \$50.

(b) Renewal fees. Section 460-2 and any other provisions of this chapter to the contrary notwithstanding, there shall be paid to the board by every person licensed to practice as an osteopathic physician or an osteopathic physician and surgeon, biennially in each even-numbered year on or before June 30, a renewal fee in the amount of \$15. Failure of any licensee to pay any renewal fee shall work a forfeiture of his license. Licenses forfeited by this section shall be reissued upon payment of a penalty of \$5 and all fees which the licensee would have paid if he had continuously renewed his license.

(c) Disposition of fees. All fees collected by the board shall be deposited by the director of regulatory agencies with the director of finance to the credit of the general fund.”

SECTION 24. Section 460J-14, Hawaii Revised Statutes, is amended to read:

“**Sec. 460J-14 Fees; biennial renewal.** The fee for each original license and renewal prescribed by this chapter shall be \$25 and \$50, respectively.

The biennial renewal fee shall be paid to the board on or before June 30 of each year. Failure, neglect, or refusal of any duly licensed operator to pay the biennial renewal fee shall constitute a forfeiture of his license. Any such license may be restored upon written application therefor within one year from such date and the payment of the delinquent fee plus an amount equal to ten per cent thereof.

All fees and other money collected or received under this chapter shall be deposited by the director of regulatory agencies with the director of finance to the credit of the general fund."

SECTION 25. Chapter 461, Hawaii Revised Statutes, is amended in the following manner:

(1) By amending section 461-8, Hawaii Revised Statutes, to read:

"**Sec. 461-8 Renewal of licenses.** (a) Renewal required. All licenses issued by the board of pharmacy except temporary licenses issued under section 461-7, shall expire on December 31 of each odd-numbered year next following the date of issuance of the same.

(b) Renewal fee. Every registered pharmacist shall pay to the treasurer of the board biennially between December 1 and December 31 a renewal fee of \$24 for the biennium next following. The payment of the renewal fee shall entitle the registrant to renewal of his license.

(c) Renewal after lapse. Any holder of any expired license may be reinstated as a registered pharmacist upon payment of a penalty of \$30 and all fees which he would have paid if he had continuously renewed his license."

(2) By amending section 461-16, Hawaii Revised Statutes, to read:

"**Sec. 461-16 Fees for permits; renewal.** The board of pharmacy shall collect a fee of \$18 for each permit to operate a pharmacy or to conduct or engage in the business of preparing, manufacturing, compounding, packing, or repacking, any drug and a fee of \$37.50 for each permit to conduct a single auction.

Permits issued under sections 461-14 and 461-15 shall be conspicuously displayed in the place for which the permit was granted. The permits shall not be transferable, shall expire on December 31 of each odd-numbered year following the date of issuance, and shall be renewed biennially. The biennial renewal fee for each permit to operate a pharmacy or to conduct or engage in the business of preparing, manufacturing, compounding, packing, or repacking any drug shall be \$36. The holder of an expired permit may have the same restored within three years of the date of expiration upon due application therefor and payment of the delinquent fees and a penalty of \$36."

SECTION 26. Section 463E-5, Hawaii Revised Statutes, is amended to read:

"**Sec. 463E-5 Fees; expenses.** No applicant shall be examined under this chapter until he has paid to the board of medical examiners a fee of \$25. Every person holding a license under this chapter shall reregister with the board biennially in each even-numbered year, not later than January 31 and for such registration shall pay a fee of \$10. In addition, upon reregistering with the board, the licensee shall provide written proof of a minimum of forty hours of

postgraduate work or continuing education of podiatry taken during the previous biennium. Failure to comply with this section shall constitute a forfeiture of license, which may be restored only upon written application and payment to the board of a fee of \$25. All fees collected shall be deposited by the director of regulatory agencies with the director of finance to the credit of the general fund."

SECTION 27. Section 463-10, Hawaii Revised Statutes, is amended to read:

**"Sec. 463-10 Licenses and renewal of licenses.** The license shall state the name and address of the principal office or place of business of the licensee, the name under which the licensed business is to be conducted, and the name of the principal detective or guard, if the licensee is a corporation.

The holder of a license issued by the board of detectives and guards who continues in active practice shall biennially renew his license and pay the renewal fee not later than June 30 of each even-numbered year.

The holder of an expired license may have the same restored within one year of the date of expiration upon due application therefor and payment of the delinquent fees and a penalty of \$37.50."

SECTION 28. Section 464-9, Hawaii Revised Statutes, is amended to read:

**"Sec. 464-9 Applications for and certificates of registration; renewal.** Application for registration shall be made upon blanks to be furnished by the board of registration of professional engineers, architects, and surveyors and shall be signed and sworn to be by the applicant. With each application there shall be paid to the board the sum of \$30 as an application fee, the fee to be nonreturnable after the application has been entered in the records of the board.

For each examination, or repetition thereof in whole or in part as shall be limited or permitted by the rules and regulations of the board, the candidate shall pay to the board a sum of \$25 as an examination fee; provided, where the candidate is eligible to take only that part of the examination pertaining to engineering fundamentals he shall pay \$20. The fee paid shall not be refundable; provided, if a candidate after having paid the fee is unable for any reason beyond his control to participate in the examination, the board may extend the time of the candidate's participation to the next regular examination date and credit the candidate the amount of the fee paid.

Upon qualifying for registration, the applicant shall pay the sum of \$15 as a registration fee, and upon receipt thereof by the board shall thereupon be registered as a professional engineer, architect, land surveyor or landscape architect, and shall receive a certificate thereof from the board signed by the chairman and secretary.

Every person registered who, as an individual or as a member of a firm or corporation, conducts an office or other place of business for the practice of his profession shall display his original certificate in a conspicuous manner, in his principal office or place of business.

Every certificate of registration expires on April 30 of each even-num-

bered year following its issuance and becomes invalid after that date unless renewed. The secretary of the board shall mail, at least one month in advance of the date of expiration of the certificate of registration, a notice to every person registered hereunder giving the date of expiration and the amount required for the renewal thereof. The fee for renewal shall be \$30 for each renewal certificate. Certificates of registration which have expired for failure to pay renewal fees on or before the date hereinabove required may be reinstated within one year of the expiration date upon payment of a fee of \$60 for each renewal certificate."

SECTION 29. Chapter 465, Hawaii Revised Statutes, is amended in the following respects:

(1) By amending section 465-8, Hawaii Revised Statutes, to read:

"Sec. 465-8 Certificates, issuance, display. Upon the board of certification for practicing psychologists forwarding to the director the name of each applicant who is entitled to a certificate under this chapter and upon receipt of the prescribed fee, the director shall promptly issue to each such applicant a certificate authorizing him to engage in the practice of psychology for a period of two years. The certificate shall be in such form as the director shall determine. A certified psychologist shall display his certificate in a conspicuous place in his principal place of business."

(2) By amending section 465-11, Hawaii Revised Statutes, to read:

"Sec. 465-11 Renewals. Every certificate issued under this chapter shall be renewed biennially on or before June 30 of each even-numbered year. Failure to renew a certificate shall suspend the certificate; provided that a psychologist whose certificate has been suspended for failure to renew may reinstate the certificate by payment of the renewal fee for the biennium in which the failure occurred, and provided that the period of suspension is not greater than one year. If certification has lapsed for more than one year, the person may reapply for a certificate in the manner prescribed in the previous sections of this chapter."

(3) By amending section 465-12, Hawaii Revised Statutes, to read:

"Sec. 465-12 Fees; disposition. The fees required by this chapter, none of which is refundable, shall be as follows:

- (1) Application fee ..... \$10
- (2) Examination fee ..... 25
- (3) Certificate fee ..... 15
- (4) Renewal fee ..... 30
- (5) Temporary permit fee ..... 15

All fees shall be paid to the director of regulatory agencies and shall be deposited by him with the director of finance to the credit of the general fund."

SECTION 30. Chapter 466, Hawaii Revised Statutes, is amended in the following manner:

(1) By amending section 466-5, Hawaii Revised Statutes, subsection (a) to read:

"(a) Issuance. A person (1) who has attained eighteen years of age, (2) who is of good moral character, and (3) who meets the educational and exami-

nation requirements hereinafter provided in this section, shall, upon application to the board, be issued a certificate of "certified public accountant." The board shall maintain a list of all persons to whom such certificates are issued. Such certificates shall be effective for a period not exceeding two years and shall be renewable biennially upon application to the board."

(2) By amending section 466-6, Hawaii Revised Statutes, to read:

**"Sec. 466-6 Registration of public accountant.** (a) Registration. A person (1) who has attained eighteen years of age, (2) who is of good moral character, (3) who was serving in the armed forces of the United States on June 15, 1955, (4) who was a resident of the Territory of Hawaii at the time of entering such service in the armed forces, and (5) who at the time of entering such service met the requirements set forth in paragraph (A), (B) or (C) of this subsection, shall, upon application to the board within six months after honorable discharge or release from such service, be registered by the board as a "public accountant":

- (A) Any person who held himself out to the public as being engaged in the practice of public accountancy and who was engaged in the practice of public accountancy as his principal occupation, either on his own account or as a member of a firm or as an employee of a certified public accountant or public accountant and regularly assigned to accountancy engagements.
- (B) Any person who was engaged in accounting or auditing work in the Territory of Hawaii as an employee of the United States, of the Territory or of any county in a position in grade GS-9 under the territorial classification schedule in effect on March 1, 1955, or the equivalent or higher grade.
- (C) Any person who was engaged in private accounting or auditing who has had not less than three years' experience in such work or in public accounting or both and whose experience was of such a character and for a length of time sufficient in the opinion of the board to be substantially equivalent to three years of public accounting experience.

The board shall maintain a list of all persons who are so registered. Such registrations shall be effective for a period not exceeding two years and shall be renewable biennially upon application to the board.

(b) Existing registrations. A person who, on January 1, 1974, holds a registration of public accountant under the laws of this State theretofore existing, shall not be required to register again under this chapter, but shall otherwise be subject to all the provisions of this chapter; and such previous registration shall, for all purposes, be considered registration under this chapter and subject to the provisions hereof."

(3) By amending section 466-7, Hawaii Revised Statutes, to read:

**"Sec. 466-7 Permits to practice.** (a) Biennial practice permits. A person (1) who is holding a current certificate of certified public accountant or a current registration as a public accountant, (2) who has had at least one year's experience in any state of the United States with a person or firm in the practice of public accounting, and (3) who has complied with continuing education re-

quirements established by regulation of the board, shall, upon application to the board, be issued a permit to practice public accountancy in this State; provided, however, that the experience requirement set forth in (2) above shall not apply after December 31, 1978, or to any person who has met the educational requirements set forth in section 466-5(b) (2). Such permit to practice shall be effective for a period not exceeding two years.

(b) Temporary practice permits. A person (1) who has attained eighteen years of age, (2) who is of good moral character, (3) who holds a valid certificate of certified public accountant or a valid registration as a public accountant issued under the laws of another state, or who holds a valid certificate, license or degree of a foreign country determined by the board to be a recognized qualification for the practice of public accountancy in such other country, and (4) who, incidental to his practice in such other state or country, desires to practice public accountancy in this State on a temporary basis, shall, upon application to the board, be issued a temporary practice permit. Such permit shall be effective for a period not exceeding three months, and shall specify the nature and extent of the practice so permitted."

(4) By amending section 466-8, Hawaii Revised Statutes, to read:

"**Sec. 466-8 Fees.** (a) Examination. An applicant for admission to the examination described in section 466-5(d) shall pay a fee with such application for admission in such amount as the board shall prescribe by regulation. The board may also prescribe by regulation the terms and conditions upon which an applicant who is unable to attend such examination may receive a credit in the amount of the fee paid toward a subsequent examination.

(b) Issuance of certificate or registration. An applicant for the issuance of a certificate of certified public accountant under section 466-5(a) or a registration of public accountant under section 466-6(a) shall pay a fee with such application in such amount as the board shall prescribe by regulation.

(c) Renewal of certificate or registration. An applicant for the renewal of a current certificate of certified public accountant under section 466-5(a) or for the renewal of a registration of public accountant under section 466-6(a) shall pay a fee of \$30 biennially in each odd-numbered year on or before December 31. An applicant for the renewal of a certificate of certified public accountant or for the renewal of a registration of public accountant which is not current under the provisions of this chapter or under the laws of this State theretofore existing shall pay a fee with such application for renewal in an amount equal to twice the amount of the fees which the applicant would have paid had he timely renewed such certificate or registration since the date it was last current.

(d) Biennial permits to practice. An applicant for the issuance of a biennial permit to practice under section 466-7(a) who is in the practice of public accountancy in his own name as a sole proprietor, or as a partner of a partnership in the practice of public accountancy, or as a shareholder of a corporation in the practice of public accountancy, shall pay a fee with such application in the amount of \$30. All other applicants for the issuance of a biennial permit to practice shall pay a fee of \$10.

(e) Temporary permits to practice. An applicant for the issuance of a

temporary permit to practice under section 466-7(b) shall pay a fee with such application in the amount of \$30.

(f) Disposition of fees. All fees and other monies received by the board pursuant to the provisions of this chapter shall be deposited by the director of regulatory agencies with the director of finance to the credit of the general fund."

SECTION 31. Section 467-11, Hawaii Revised Statutes, is amended to read:

**"Sec. 467-11 Fees; original license and biennial renewals.** The fee for any license prescribed by this chapter shall be as follows:

- (1) To act as a real estate broker, \$50, \$5 of which shall be deposited in the real estate education fund;
- (2) To act as a real estate salesman, \$50, \$5 of which shall be deposited in the real estate education fund;
- (3) Biennial renewal for broker, \$100, \$10 of which shall be deposited in the real estate education fund;
- (4) Biennial renewal for salesman, \$50, \$10 of which shall be deposited in the real estate education fund;
- (5) To obtain a branch office license, \$50;
- (6) To reinstate a suspended license, \$25;
- (7) Biennial renewal of inactive broker license, \$100, \$10 of which shall be deposited in the real estate education fund;
- (8) Biennial renewal of inactive salesman license, \$50, \$10 of which shall be deposited in the real estate education fund.

A fee of \$10 shall be charged for the reissuance of a lost license, or for the reissuance of license when there has been a change in the licensee's name or for the reissuance of a license when there has been a change in the business address, or, in the case of a salesman, when he is employed by a different broker.

The biennial renewal fee shall be paid to the real estate commission on or before December 31 of each even-numbered year. Failure, neglect, or refusal of any duly licensed real estate broker or real estate salesman to pay the biennial renewal fee shall constitute a forfeiture of the license of the broker or salesman. The license of the broker or salesman may be restored upon written application therefor and the payment to the commission of the delinquent fee and a penalty fee of \$10.

A broker or salesman may place his license on an inactive status upon payment of the proper fee, and such license may be renewed biennially on or before December 31 of each even-numbered year.

All fees and other moneys collected or received under this chapter shall be deposited by the director of regulatory agencies with the director of finance to the credit of the general fund.

The commission may refund any fee erroneously paid to it under the provisions of this section and section 467-9 when the commission deems it just and equitable."

SECTION 32. Chapter 467A, Hawaii Revised Statutes, is amended in

the following manner:

(1) By amending section 467A-3, Hawaii Revised Statutes, to read:

**"Sec. 467A-3 License fee.** (a) Every rental agency shall pay an original license fee of \$25 and a biennial renewal fee of \$50 to the director on or before July 1 of each even-numbered year.

(b) Failure to pay the biennial license fee shall constitute a forfeiture of license.

(c) Fees collected by the director shall be deposited in the general fund of the State."

(2) By amending section 467A-7, Hawaii Revised Statutes, to read:

**"Sec. 467A-7 Termination of license.** Every license to conduct a rental agency shall be valid under the terms set forth in the license. The license shall expire on June 30 of each even-numbered year."

SECTION 33. Section 468E-14, Hawaii Revised Statutes, is amended to read:

**"Sec. 468E-14 Renewal of license.** (a) Licenses issued under this chapter expire at midnight, December 31 of each odd-numbered year if not renewed.

(b) Every person licensed under this chapter shall, on or before December 31, 1975 and each odd-numbered year thereafter, pay a fee for renewal of his license to the board. The board may, in the event payment of the renewal fee is rendered after December 31 of any odd-numbered year, renew a license upon payment of the renewal of license fee plus a late renewal payment penalty, which penalty shall equal the amount prescribed by the board according to the authority vested in it by section 468E-15 of this chapter, multiplied by the number of full months which have elapsed since expiration of the license. No person who requests renewal of license, whose license has expired, shall be required to submit to examination as a condition to renewal, if such renewal application is made within two years from the date of such expiration.

(c) A suspended license is subject to expiration and may be renewed as provided in this section, but such renewal shall not entitle the licensee, while the license remains suspended and until it is reinstated, to engage in the licensed activity, or in any other conduct or activity in violation of the order or judgment by which the license was suspended.

(d) A license revoked on disciplinary grounds is subject to expiration as provided in subsection (2) of this section, but it may not be renewed. If such license is reinstated after its expiration, the licensee, as a condition of reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee in effect on the last preceding regular renewal date before the date on which it is reinstated plus the late renewal payment penalty defined in subsection (b) of this section.

(e) Any person who fails to renew his license within the five years after the date of its expiration may not renew it, and it may not be restored, reissued, or reinstated thereafter, but such person may apply for and obtain a new license if he meets the requirements of this chapter."

SECTION 34. Section 471-9, Hawaii Revised Statutes, is amended to read:



**"Sec. 471-9 Licenses.** (a) Initial licenses. Except as hereafter provided, the board of veterinary examiners shall issue a license to engage in the practice of veterinary medicine to all persons meeting the requirements of this chapter.

(b) Expiration. All licenses issued by the board shall expire on June 30 of each even-numbered year next following the date of issuance.

(c) Renewal. Every veterinarian shall pay to the treasurer of the board biennially in each even-numbered year between the first and last days of June a renewal fee in such amount as shall, from time to time, be established by the board. The board shall establish the renewal fee upon the basis of the amount of funds necessary for the administration of this chapter. The fee, however, shall not exceed \$30. The payment of the renewal fee shall entitle the veterinarian to renewal of his license.

(d) Renewal after lapse. Any holder of an expired license may be reinstated as a veterinarian upon payment of the renewal fee and a penalty of \$25.

(e) Military service. Notwithstanding any other provision hereof, no license shall expire while the holder thereof is serving on active duty in the armed forces of the United States during any emergency declared by the President or Congress and six months after the termination thereof.

SECTION 35. Notwithstanding any law or statute to the contrary, the original or initial permit, certificate or license issued by any board, commission, or the director of regulatory agencies to any person shall be effective from the date of issuance to the expiration date of the biennial renewal period in which such permit, certificate, or license was originally issued. The fees to be paid by any person upon the issuance of the original or initial permit, certificate, or license shall be the fee as provided for in the applicable statutes or the rules and regulations of the board and one-half of the biennial renewal fee if application for such permit, certificate or license is made during the first year of the biennium; if application is made within the second year of the biennium, the fee shall be the original or initial fee as provided for by statutes or the rules and regulations of the board."

SECTION 36. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 37. This Act shall take effect in the following manner: Biennial renewal of licenses shall take effect commencing in 1976 for all licenses expiring on February 1, May 1, and July 1 except for biennial renewal of nurses license which shall take effect commencing in 1977; and biennial renewal of licenses shall take effect commencing in 1977 for all licenses expiring on January 1 except for biennial renewal of real estate licenses which shall take effect commencing in 1976. Except as provided above, this Act shall take effect upon approval.

(Approved May 17, 1975.)

\*Edited accordingly.

A Bill for an Act Relating to Penalties for Promoting Harmful Drugs.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 1244, Hawaii Revised Statutes, title 37, Hawaii Penal Code, is amended by amending subsection (2) to read as follows:

“(2) Promoting a harmful drug in the first degree is a class A felony.”

SECTION 2. Section 1245, Hawaii Revised Statutes, title 37, Hawaii Penal Code, is amended by amending subsection (2) to read as follows:

“(2) Promoting a harmful drug in the second degree is a class B felony.”

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 4. This Act shall take effect upon its approval.

(Approved May 22, 1975.)

A Bill for an Act Relating to the Confidentiality of Law Enforcement Records.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. With the intent of protecting the public, and particularly individuals arrested but never convicted, the confidentiality of law enforcement records were shrouded by restrictions upon the public's access. Varying, and sometimes conflicting, interpretations or applications of this Act have arisen in the several jurisdictions of the State. Therefore, the objective of this Act is to assure every potential and actual criminal defendant the full measure of his constitutional rights; including his rights arising under Article I, sections 2 thru 5 of the Constitution of the State of Hawaii, and the First Amendment of the Constitution of the United States. To provide for the present and assure that in the future the independence, safety, continued health and democratic well-being of the people are protected, this Act is founded upon the legislature's recognition of the necessity of safeguarding these constitutional and inalienable rights. Because the exercise of these rights must be balanced in the face of the obvious possibilities of conflicts, the legislature herewith sets guides and determines the following clarification of section 28-54, Hawaii Revised Statutes.

SECTION 2. The Hawaii Revised Statutes, section 28-54, is repealed.

SECTION 3. This Act shall take effect upon its approval.

(Approved May 22, 1975.)

\*Edited accordingly.

## ACT 121

H.B. NO. 353

A Bill for an Act Relating to Use of Public Lands for Agricultural Purposes.  
*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 171-115, Hawaii Revised Statutes, is amended to read:

**“Sec. 171-115 Applicants.** A person shall be eligible to apply for a lease hereunder if he meets the qualifications set forth in section 171-68(a) and (c), or if he qualifies under the new farmer program pursuant to section 155-1(3).”

SECTION 2. Section 171-65, Hawaii Revised Statutes, is amended to read:

**“Sec. 171-65 Leases, leases with option to purchase, sales permitted; when.** Land intended for disposition as farm lot for truck crops or for horticultural, pasture, or special livestock use, may be disposed of by lease, lease with option to purchase, or in fee simple. Such disposition may be by drawing of lot, without recourse to public auction, notwithstanding any other provision in this chapter to the contrary; provided that the right to any values in the land not attributable to these agricultural uses shall be reserved to the State.

Dispositions under this section shall be made only to individuals who satisfy the requirements established by the board and then only if the individual, either himself or whose spouse, or both, does not already own lands of comparable use in the State; provided that the ownership by the individual or his spouse of lands of comparable use shall not be a disqualification in applying for a lease within an agricultural park.”

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 4. This Act shall take effect upon approval.

(Approved May 22, 1975.)

## ACT 122

H.B. NO. 1408

A Bill for an Act Relating to the Powers and Venue of the District Courts.  
*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 604-7, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 604-7 Powers; venue.** (a) The district courts may:

- (1) Administer oaths;
- (2) Subpoena and compel the attendance of witnesses from any part of

\*Edited accordingly.

the State, and compel the production of books, papers, documents or tangible things;

- (3) Enter final judgments; and alter or set aside any judgment within ten days following the date of its rendition or as provided by the rules of court;
- (4) Enforce judgments; and punishment contempts according to law;
- (5) Issue garnishee summons which shall be operative as to the garnishee throughout the judicial circuit in which the district court issuing the same is situated, except that where the garnishee of a government beneficiary is the comptroller of the State, the garnishee summons may be served and shall be operative throughout the State;
- (6) In a criminal case, alter, set aside, or suspend a sentence by way of mitigation or otherwise upon motion or plea of a defendant made within thirty days after imposition of the sentence.

Every witness duly subpoenaed as provided in this section shall be allowed the same attendance and mileage fees allowed witnesses subpoenaed before the circuit courts.

(b) Any document requiring the signature of a district judge, in any cause or proceeding whatsoever in a district court, may be signed without, as well as within, the boundaries of the circuit in which the court is situated.

(c) Except as otherwise provided in this chapter or chapter 666, a summons or other writ issued by a district court may be served only in the judicial circuit in which the district court is situated.

(d) Except as otherwise provided, civil actions shall be brought in the district court of the judicial circuit in which the defendant or a majority of the defendants reside or the claim for relief arose, unless there are parties whose presence is required for adjudication of the claim who cannot be served in that circuit, in which case the action may be brought in the district court of any circuit in which all of the parties can be served. The venue may be changed or the case transferred as provided by sections 604-7.3 and 604-7.4."

SECTION 2. Statutory material to be repealed is bracketed. In printing this Act, the revisor of statutes need not include the brackets or the bracketed material.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 22, 1975.)

ACT 123

H.B. NO. 1412

A Bill for an Act To Repeal Section 531-11 Relating to Filing of Copies of Certain Records.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 531-11, Hawaii Revised Statutes, is repealed.

\*Edited accordingly.

SECTION 2. Statutory material to be repealed is bracketed. In printing this Act, the revisor of statutes need not include the brackets or the bracketed material.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 22, 1975.)

## ACT 124

H.B. NO. 1417

A Bill for an Act Relating to District Judges.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 604-3 of the Hawaii Revised Statutes is amended to read as follows:

**“Sec. 604-3 Disqualification, absence, vacancy.** Whenever it is advisable, by reason of a vacancy in the office of district judge of any circuit, or by reason of the disqualification of any district judge, or his inability to attend to his duties by reason of illness or temporary absence, or for any other reason, the chief justice of the supreme court may designate the district judge of any other circuit, or any district family judge of any circuit, to hear and determine any and all matters then or thereafter pending in the district court to which he is called for such purpose, and while so engaged, he shall have and exercise all of the powers of a regularly appointed judge of the circuit to which he is called.”

SECTION 2. New material is underscored. In printing this Act, the revisor of statutes need not include the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 22, 1975.)

## ACT 125

H.B. NO. 1576

A Bill for an Act Relating to the Uniform Securities Act (modified).

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 485, Hawaii Revised Statutes, is amended in the following particulars:

By adding to section 485-6 the following:

“(15) Any offer or sale not involving a public offering within the meaning of Rule 146 (Code of Federal Regulations Section 230.146) or any successor rule, as amended from time to time, of the Securities and Exchange Commission.”

SECTION 2. Statutory material which is new is underscored. In printing this Act, the revisor of statutes need not include the underscoring.\*

\*Edited accordingly.

SECTION 3. This Act shall take effect upon its approval.  
(Approved May 22, 1975.)

A Bill for An Act Relating to the Hawaii Pesticides Law.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 149A, Hawaii Revised Statutes, is amended to read:

**“CHAPTER 149A  
HAWAII PESTICIDES LAW  
PART I. GENERAL PROVISIONS**

**Sec. 149A-1 Short title.** This chapter may be cited as the “Hawaii Pesticides Law.”

**Sec. 149A-2 Definitions.** As used in this chapter, unless the content clearly requires otherwise:

- (1) “Active ingredient” means:
  - (A) In the case of a pesticide other than a plant regulator, defoliant, or desiccant, or ingredient which will prevent, destroy, repel, or mitigate any pests;
  - (B) In the case of a plant regulator, an ingredient which, through physiological action, will accelerate or retard the rate of growth or rate of maturation or otherwise alter the behavior of ornamental or crop plants or the produce thereof;
  - (C) In the case of a defoliant, an ingredient which will cause the leaves or foliage to drop from a plant; and
  - (D) In the case of a desiccant, an ingredient which will artificially accelerate the drying of plant tissues.
- (2) “Adulterated” means any pesticide if its strength or purity falls below the professed standard of quality as expressed on its labeling under which it is sold, or if any substance has been substituted wholly or in part for the pesticide, or if any valuable constituent of the pesticide has been wholly or in part abstracted.
- (3) “Animal” means all vertebrate and invertebrate species, including but not limited to man and other mammals, birds, fish, and shellfish.
- (4) “Board” means board of agriculture.
- (5) “Certified pesticide applicator” means any individual who is certified under section 149A-33(1) as authorized to use or supervise the use of any pesticide which is classified for restricted use.
- (6) “Chairman” means chairman of the board of agriculture.
- (7) “Commercial pesticide applicator” means any certified pesticide applicator, whether or not he is a private pesticide applicator with respect to some uses, who uses or supervises the use of any pesticide

- which is classified for restricted use for any purpose or on any property other than as provided by section 149A-2(28).
- (8) "Defoliant" means any substance or mixture of substances intended for causing the leaves or foliage to drop from a plant, with or without causing abscission.
  - (9) "Department" means department of agriculture.
  - (10) "Desiccant" means any substance or mixture of substances intended for artificially accelerating the drying of plant tissues.
  - (11) "Device" means any instrument or contrivance, other than a firearm, which is intended for trapping, destroying, repelling, or mitigating any pest or any form of plant or animal life (other than man and other than bacteria, virus, or other micro-organism on or in living man or other animals); but not including equipment used for application of pesticides when sold separately therefrom.
  - (12) "Environment" includes water, air, land, and all plants and man and other animals living therein, and the interrelationships which exist among these.
  - (13) "Fungi" means all nonchlorophyll-bearing thallophytes including rusts, smuts, mildews, molds, yeasts, and bacteria, except those on or living in man or other animals and those on or in processed foods, beverages, or pharmaceuticals.
  - (14) "General use pesticide" means a pesticide other than one designated as restricted pesticide.
  - (15) "Imminent hazard" means a situation which exists when the continued use of a pesticide during the time required for cancellation proceeding would likely result in unreasonable adverse effects on the environment or will involve unreasonable hazard to the survival of a species declared endangered by the Secretary of Interior under Public Law 91-135.
  - (16) "Inert ingredient" means an ingredient which is not an active ingredient.
  - (17) "Ingredient statement" means:
    - (A) A statement of the name and percentage of each active ingredient, together with the total percentage of the inert ingredients, in the pesticide; and
    - (B) In the case the pesticide contains arsenic in any form, a statement of the percentages of total and water soluble arsenic, each calculated as elemental arsenic.
  - (18) "Insect" means invertebrate animals belonging to the class insecta including beetles, bugs, bees, flies, and other allied classes of arthropods, including spiders, mites, ticks, centipedes, and wood lice.
  - (19) "Label" means the written, printed, or graphic matter, on or attached to the pesticide or device, or any of its containers or wrappers.
  - (20) "Labeling" means all labels and other written, printed, or graphic matter accompanying the pesticide or device at any time or to which reference is made on the label or in literature accompanying the pesticide or device, except to current official publications of the Environ-

mental Protection Agency, the United States Departments of Agriculture and the Interior, the United States Department of Health, Education, and Welfare, state experiment stations, state agricultural colleges, or other similar federal or state institutions or agencies authorized by law to conduct research in the field of pesticides.

- (21) "License" means the process of being allowed to register a pesticide product pursuant to provisions of this chapter. "Licensee" means a person who has been licensed to register a product pursuant to provisions of this chapter.
- (22) "Misbranded" includes any of the following:
- (A) The labeling of the pesticide bears any statement, design or graphic representation relative thereto or to its ingredients which is false or misleading in any particular;
  - (B) The pesticide is contained in a package or other container or wrapping which does not conform to the standards established by federal law;
  - (C) The pesticide is an imitation of, or is offered for sale under the name of, another pesticide;
  - (D) The label does not bear the federal registration number assigned to each establishment in which it was produced;
  - (E) Any word, statement, or other information required by or under authority of the federal law to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or graphic matter in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;
  - (F) The labeling accompanying the pesticide does not contain directions for use which are necessary for effecting the purpose for which the product is intended and if complied with, together with any requirements imposed under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, are adequate to protect health and the environment;
  - (G) The label does not contain a warning or caution statement which may be necessary and if complied with, together with any requirements imposed under federal law, is adequate to protect health and the environment;
  - (H) The label does not bear an ingredient statement on that part of the immediate container (and on the outside container or wrapper of the retail package, if there be one, through which the ingredient statement on the immediate container cannot be clearly read) which is presented or displayed under customary conditions of purchase, except that a pesticide is not misbranded under this section if:
    - (i) The size or form of the immediate container, or the outside container or wrapper of the retail package, makes it impracticable to place the ingredient statement on the part which



- is presented or displayed under customary conditions of purchase; and
- (ii) The ingredient statement appears prominently on another part of the immediate container, or outside container or wrapper, permitted by the department;
- (I) The labeling does not contain a statement of the use classification under which the product is registered;
  - (J) There is not affixed to its container, and to the outside container or wrapper of the retail package, if there be one, through which the required information on the immediate container cannot be clearly read, a label bearing:
    - (i) The name and address of the producer, registrant or person for whom produced;
    - (ii) The name, brand, or trademark under which the pesticide is sold;
    - (iii) The net weight or measure of the content; provided that the United States Environmental Protection Agency Administrator may permit reasonable variations; and
    - (iv) When required by federal regulations to effectuate the purposes of this law, the registration number assigned to the pesticide under federal law, and the use classification; and
  - (K) The pesticide contains any substance or substances in quantities highly toxic to man, unless the label shall bear, in addition to any other matter required by this law:
    - (i) The skull and crossbones;
    - (ii) The word "poison" prominently in red on a background of distinctly contrasting color; and
    - (iii) A statement of a practical treatment (first aid or otherwise) in case of poisoning by the pesticide.
- (23) "Nematode" means invertebrate animals of the phylum nemathelminthes and the class nematoda including unsegmented round worms with elongated fusiform, or sac-like bodies covered with cuticle, and inhabiting soil, water, plants, or plant parts.
- (24) "Person" means any individual, firm, corporation, association, or partnership, or any organized group of persons whether incorporated or not.
- (25) "Pest" means any insect, rodent, nematode, fungus, weed, or any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other microorganism, except viruses, bacteria, or other microorganisms on or in living man or other living animals, which the board declares to be a pest.
- (26) "Pesticide" means:
- (A) Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest; and
  - (B) Any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.
- (27) "Plant regulator" means any substance or mixture of substances,

intended through physiological action, for accelerating or-retarding the rate of growth or rate of maturation, or for otherwise altering the behavior of plants or the produce thereof, but does not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants, and soil amendments.

- (28) "Private pesticide applicator" means a certified pesticide applicator who uses or supervises the use of any pesticide which is classified for restricted use for purposes of producing any agricultural commodity on property owned or rented by him or his employer if applied without compensation other than trading of personal services between producers of agricultural commodities on the property of another person.
- (29) "Producer" means any person who manufactures, prepares, compounds, propagates, or processes any pesticide or device. "Produce" means to manufacture, prepare, compound, propagate, or process any pesticide or device.
- (30) "Protect health and the environment" or "protection of health and environment" means protection against unreasonable adverse effects on the environment.
- (31) "Restricted pesticide" means:
  - (A) A pesticide or pesticide use classified by the Administrator, EPA, for use by certified applicators or competent persons under their direct supervision and so designated on its label; or
  - (B) A pesticide or pesticide use classified by the board for use by certified applicators or competent persons under their direct supervision.
- (32) "Registrant" means the person registering or licensing any pesticide pursuant to this chapter.
- (33) "Sell or distribute" means to distribute, solicit, sell, offer for sale, hold for sale, transport, or deliver for transportation in intrastate commerce or between points within the State or through any point outside the State.
- (34) "Under the direct supervision of a certified applicator" means unless otherwise prescribed by its labeling; a pesticide shall be considered to be applied under the direct supervision of a certified applicator if it is applied by a competent person acting under the instructions and control of a certified applicator who is available if and when needed, even though such certified applicator is not physically present at the time and place the pesticide is applied.
- (35) "Unreasonable adverse effects on the environment" means any injury to man or any unreasonable adverse effects on environmental values, taking into account the public interest, including benefits from the use of the insecticide.
- (36) "Weed" means any plant which grows where not wanted.

**Sec. 149A-3 Delegation of duties.** All authority vested in the board or chairman by virtue of this chapter may with like force and effect be exer-

cised by such employees of the department as the board or chairman may from time to time designate for the purpose.

**Sec. 149A-4 Effect of chapter on department of health.** Nothing in this chapter shall be construed to amend or alter the functions, duties, and powers of the department of health relative to chapters 321, 322, 328, and 330.

## PART II. PESTICIDE LICENSING AND SALE

**Sec. 149A-11 Prohibited acts.** (a) Except as otherwise exempted in section 149A-12, it shall be unlawful for any person to distribute, solicit, sell, offer for sale, hold for sale, transport, deliver for transportation, or receive and having so received, deliver or offer to deliver to any person in intrastate commerce or between points within this State through any point outside this State any of the following:

- (1) Any pesticide which is not licensed pursuant to section 149A-13, or any pesticide if any of the claims made for it or any of the directions for its use differ in substance from the representations made in connection with its licensing, or if the composition of a pesticide differs from its composition as represented in connection with its licensing; provided that in the discretion of the department, a change in the labeling or formula of a pesticide may be made within a licensing period without requiring an additional licensing of the product.
- (2) Any pesticide unless it is in the licensee's or the manufacturer's unbroken immediate container, and there is affixed to the container, and to the outside container or wrapper of the retail package, if any, through which the required information on the immediate container cannot be clearly read, a label bearing such information pursuant to section 149A-15.
- (3) Any pesticide which contains any substance or substances in quantities highly toxic to man, determined as provided in section 149A-19, unless the label bears, in addition to any other matter required by this chapter:
  - (A) A symbol of the skull and crossbones;
  - (B) The word "POISON" prominently, in red, on a background of distinctly contrasting color; and
  - (C) A statement of emergency medical treatment or an antidote appropriate for the pesticide.
- (4) The pesticides containing any of the ingredients commonly known as standard lead arsenate, basic lead arsenate, calcium arsenate, magnesium arsenate, zinc arsenate, zinc arsenite, sodium fluoride, sodium fluosilicate, or barium fluosilicate, unless they have been distinctly colored or discolored or any other white powder pesticide which the board, after investigation of and after public hearing on the necessity for such action for the protection of the public health and the feasibility of such coloration or discoloration, requires to be distinctly colored or discolored, unless it has been so colored or discolored pursuant to section 149A-16.

- (5) Any pesticide which is adulterated or misbranded.
- (6) Any pesticide or device that is an imitation of another pesticide or device.
- (7) Any restricted pesticides unless the person has a license issued in accordance with section 149A-17.
- (8) Any restricted pesticides to persons other than a certified pesticide applicator or any uncertified personnel under his supervision, or a licensed dealer, wholesaler, or retailer.
- (b) It shall be unlawful to:
  - (1) Detach, alter, deface, or destroy, in whole or in part, any label or alter any labeling of a pesticide unless such action is taken with the approval of the department to correct an improper label or labeling under section 24(c), Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended.
  - (2) Add any substance to, or take any substance from, a pesticide in a manner that may defeat the purpose of this chapter.
  - (3) Use for a person's own advantage or to reveal any information relative to formulas of products acquired in the administration of this chapter, to persons other than to the chairman or proper officials or employees of the State or the federal government, or the courts of this State or the federal government in response to a subpoena, or to physicians, or in emergencies to pharmacists and other qualified persons for use in the preparation of antidotes.
  - (4) For any pesticide dealer, wholesaler, or retailer to expose or to offer for sale or to solicit or receive orders for the sale of restricted pesticides unless the dealer, wholesaler, or retailer has applied for and has obtained an annual license from the department.
  - (5) For any pesticide dealer, wholesaler, or retailer to expose or to offer for sale or to solicit or receive orders for the sale of restricted pesticides to any person other than a certified pesticide applicator.

**Sec. 149A-12 Exemptions.** (a) The prohibitions of section 149A-11(a) shall not apply to:

- (1) Any carrier while lawfully engaged in transporting a pesticide within this State, if the carrier, upon request of the chairman or his duly designated officer or employee permits such officer or employee to copy all records showing the transactions in and movement of the pesticide or device;
- (2) Public officials of the State and the federal government engaged in the performance of their official duties in administering state or federal pesticide law or regulation;
- (3) The manufacturer or shipper of a pesticide intended only for experimental use:
  - (A) By or under the supervision of an agency of the State or of the federal government authorized by law to conduct research in the field of pesticides;
  - (B) If the pesticide is not sold and if the container thereof is plainly and conspicuously marked "For Experiment Use Only—Not to

be Sold" together with the manufacturer's name and address;

- (4) Any person who establishes a guaranty signed by, and containing the name and address of, the licensee or person residing in the United States from whom he purchased or received in good faith the pesticide in the same unbroken package, to the effect that the pesticide was lawfully licensed at the time of sale and delivery to him and it complies with the other requirements of FIFRA, as amended, and in such case the guarantor shall be subject to the penalties which would otherwise attach to the person holding the guaranty under the provisions of FIFRA, as amended, and in such case the guarantor shall be subject to the penalties which would otherwise attach to the person holding the guaranty under the provisions of FIFRA, as amended; and
- (5) Any person using or possessing any pesticide as provided by an experimental use permit in effect with respect to such pesticide and such use or possession.

(b) No article shall be deemed in violation of this chapter when intended solely for export to a foreign country, and when prepared or packed according to the specifications or directions of the purchaser. If not so exported, all the provisions of this chapter shall apply.

**Sec. 149A-13 Procedure for licensing pesticides.** (a) Any pesticide which is sold, offered for sale, or distributed, within this State or delivered for transportation or transported in intrastate commerce or between points within this State through any point outside this State shall be licensed by the board; provided that products which have the same formula, are manufactured by the same person, the labeling of which contains the same claims, and the labels of which bear a designation identifying the product as the same pesticide, may be licensed as a single pesticide, and additional names and labels shall be added by supplemental statements during the current period of licensing. The licensee shall file with the department a statement including:

- (1) The name and address of the licensee and the name and address of the person whose name will appear on the label, if other than the licensee;
- (2) The name of the pesticide;
- (3) A complete copy of the labeling accompanying the pesticide and a statement of all claims to be made for it, including directions for use; and
- (4) If requested by the department a full description of the tests made and the results thereof upon which the claims are based.

(b) The licensee shall pay a minimum annual fee of \$10 for each pesticide licensed. Licensing fee may be increased from time to time by regulations but such increases shall not be in excess of \$5 for any one year. The license shall expire on December 31 of each year and shall be renewed annually. In the case of renewal of license, a statement shall be required only with respect to information which is different from that furnished when the pesticide was licensed or last relicensed. All fees collected shall be deposited in the general fund of the State.

(c) The department, whenever it deems necessary in the administration of this chapter, may require the submission of the complete formula of any pesticide. If it appears to the department that the composition of the pesticide is such as to warrant the proposed claims for it and if the pesticide and its labeling and other material required to be submitted comply with the requirements of section 149A-15, the department shall license the pesticide.

(d) Notwithstanding any other provision of this chapter, licensing of a pesticide is not required in the case of a pesticide shipped from one plant within this State to another plant within this State when both plants are operated by the same person.

**Sec. 149A-14 Refusal, cancellation, or suspension of the license.** (a) The department may refuse to license a pesticide when it has been determined that:

- (1) The pesticide or its labeling does not comply with this chapter or the regulations promulgated thereunder; or
- (2) The licensee fails to comply with the licensing procedures set forth by regulations; or
- (3) The claims, representations, or other statements on the label are false or misleading; or
- (4) The proposed use would result in unreasonable adverse effect on the environment.

(b) To protect the health and environment, the department may, after hearing, cancel the license of a pesticide. Such cancellation shall be made after the department has determined that the continued use of the pesticide would result in unreasonable adverse effects on the environment.

(c) If the department determines that action is necessary to prevent an imminent hazard during the time required for cancellation proceedings, the department may suspend the license of a pesticide immediately. The suspension order shall be in effect until the department issues its final order either cancelling or denying the cancellation of the license.

(d) The licensee shall be entitled to contest under chapter 91, the determinations of the department relative to refusing, cancelling, or suspending a pesticide license.

**Sec. 149A-15 Labeling requirements.** (a) Each container of pesticides shall bear thereon or attached thereto in a conspicuous place, a plainly written or printed label in the English language providing the following information:

- (1) Name, brand, or trade-mark under which the pesticide is sold or distributed;
- (2) Ingredient statement as specified by regulations;
- (3) Direction for use which if complied with will adequately protect the health and environment;
- (4) Warning or caution statement as specified by regulations;
- (5) Name and address of the manufacturer, registrant or person for whom manufactured;
- (6) Weight or measure of content;
- (7) The United States Environmental Protection Agency registration and establishment numbers; and

(8) Any other labeling requirement as prescribed under FIFRA, as amended.

**Sec. 149A-16 Coloration of certain pesticides.** (a) Pesticides known as standard lead arsenate, basic lead arsenate, calcium arsenate, magnesium arsenate, zinc arsenate, zinc arsenite, sodium fluoride, sodium fluosilicate, or barium fluosilicate shall be distinctly colored as specified by regulation.

(b) The department may require the coloration of other pesticides that it determines to be necessary to protect the health and environment.

**Sec. 149A-17 Sales, permit, and record.** In addition to licensing requirements applicable to pesticides every person who sells or distributes restricted pesticides shall obtain an annual permit from the department. Conditions, procedures, and fees for permit shall conform to the regulations promulgated hereunder.

All persons permitted to sell restricted pesticides shall keep records of the individual sales of such pesticides. Records shall be kept at the principal place of business of the permittee for a period specified by rules and regulations and shall be available to the department on request.

**Sec. 149A-18 Denial, suspension, or revocation of license.** The department may deny issuance of a license to sell a restricted pesticide for reasonable cause. Any license issued pursuant to regulations adopted under section 149A-17(a) may be suspended or revoked by the department after due hearing, for violation of any condition of the permit or of any law or regulation pertaining to the sale of pesticides.

Any order made by the department for the suspension or revocation of a permit shall be in writing and shall set forth the reasons for the suspension or revocation.

The action of the department in suspending or in revoking a permit may be reviewed in the manner provided by chapter 91.

**Sec. 149A-19 Determination; rules and regulations; uniformity.** (a) The board shall after having afforded interested and affected parties an opportunity to be heard and, in instances in which human health is affected, after consultation with the director of health, make and adopt regulations:

- (1) To declare as a pest any form of plant or animal life or virus which is injurious to plants, man, domestic animals, articles, or substances;
- (2) To determine the pesticides which are highly toxic to man; to designate pesticides as restricted or general use; and to establish a system of control over the distribution and use of certain pesticides purchased by the consuming public;
- (3) To determine standards of coloring for pesticides, and to subject pesticides to the requirements of section 149A-16;
- (4) To establish procedures, conditions, and fees for the issuance of licenses for sale of restricted pesticides;
- (5) To establish fees for the licensing of pesticides within the limitations of section 149A-13(b);
- (6) To establish procedures for the licensing of pesticides;
- (7) To establish procedures for the registration of pesticides under provisions of section 24(c), FIFRA, as amended;

(8) To establish procedures for the disposal of pesticides; and

(9) To establish procedures to issue experimental use permits under provisions of section 5 of FIFRA, as amended.

(b) The board shall, after public hearing, make and adopt appropriate rules and regulations for carrying out this chapter, including rules and regulations providing for the collection and examination of samples of pesticides or devices.

(c) The board shall, after public hearing, adopt such regulations, applicable to and in conformity with the primary standards established by this chapter, or as prescribed by FIFRA, as amended, with respect to pesticides.

**Sec. 149A-20 Seizures; "stop-sale" and "removal from sale" orders.**

(a) Any pesticide or device that is distributed, sold, offered for sale, transported, or delivered for transportation in violation of this chapter, may be seized. Any pesticide product or device seized hereunder shall, after entry of decree, be disposed of by destruction or sale as the court directs and the proceeds, if the pesticide product or device is sold, less legal costs, shall be paid to the general fund of the State; provided that the pesticide product or device shall not be sold contrary to this chapter; and provided that upon payment of costs and execution and delivery of a good and sufficient bond conditioned that the pesticide product or device shall not be disposed of unlawfully, the court may direct the pesticide product, or device to be delivered to the owner thereof for relabeling or reprocessing as the case may be.

(b) The chairman or his authorized agent may issue and enforce a written or printed "stop-sale" or "removal from sale" order to withhold from sale any pesticide or device that is distributed, sold, offered for sale, transported, or delivered for transportation in violation of this chapter.

**Sec. 149A-21 Enforcement.** (a) If it appears that a pesticide or device fails to comply with this chapter, the department may refer the facts with a copy of the results of the analysis or the examination of the pesticide product or device to the appropriate governmental agency for prosecution. A warning notice shall be issued before prosecution proceedings are initiated.

(b) The governmental agency to which any violation is reported may cause appropriate proceedings to be instituted in the appropriate court without delay if so warranted.

(c) The department shall, by publication in such manner as it may prescribe, give notice of all judgments entered in actions instituted under this chapter.

**Sec. 149A-22 Authority.** The board shall have authority to adopt such rules and regulations as necessary consistent with section 5(f) and section 24(c) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, to develop and implement state programs for registration of pesticides for special local needs and issuance of experimental use permits.

**Sec. 149A-23 Cooperation.** The department may cooperate with, and enter into agreements with, any other agency of the State or the federal government, or any agency thereof for the purpose of carrying out this chapter and securing uniformity of regulations.



### PART III. PESTICIDE USE

**Sec. 149A-31 Prohibited acts.** No person shall:

- (1) Use any licensed pesticide in a manner inconsistent with its label;
- (2) Use, store, transport, or discard any pesticide or the containers of such pesticide in any manner which would have unreasonable adverse effect on the environment;
- (3) Use or apply restricted pesticides unless the person is a certified pesticide applicator or under the direct supervision of a certified pesticide applicator with a valid certificate issued pursuant to regulations adopted under section 149A-33(1); or
- (4) Use or apply pesticides in any manner that has been banned pursuant to section 149A-32.
- (5) Falsify any record or report required to be made or maintained by regulations adopted pursuant to this chapter.

**Sec. 149A-32 Banning of pesticides.** In order to protect the public and the environment, the chairman, in consultation with advisory committee on pesticide and approval of the director of health, may ban the use of certain pesticides or specific uses of certain pesticides when such usage is deemed to have unreasonable adverse effects on the environment. The chairman shall take necessary action to cancel the registration or license of such banned pesticides or uses as provided in section 149A-14(b).

**Sec. 149A-33 Rules and regulations.** The department shall have the authority to carry out and effectuate the purpose of this chapter by rules and regulations, including but not limited to the following:

- (1) To establish procedures, conditions, and standards to certify persons for the use of restricted pesticides under section 4 of FIFRA, as amended;
- (2) To establish limitations and conditions for the application of pesticides by aircraft, power rigs, mist blowers, and other equipment;
- (3) To establish, as necessary, specific standards and guidelines which specify those conditions which constitute unreasonable adverse effect on the environment; and
- (4) To establish, as necessary, record keeping requirements for restricted pesticide use by commercial applicators.

**Sec. 149A-34 Denial, suspension, or revocation of certificate.** The department may deny issuance of certificate for reasonable cause. Any certificate issued pursuant to regulations adopted under section 149A-33(1) may be suspended or revoked by the department, after hearing, for violation of any condition of the certificate or of any law or regulation pertaining to the use of any restricted pesticide. Any order made by the department for the suspension or revocation of a certificate shall be in writing and shall set forth the reasons for the suspension or revocation. The action of the department in suspending, or in revoking a certificate may be reviewed in the manner provided by chapter 91.

**Sec. 149A-35 Cooperation.** The department is authorized and empowered to cooperate with and enter into agreements with any agency of the

State, the federal government, or any other agency for the purpose of carrying out this chapter. The University of Hawaii cooperative extension service and other educational agencies shall provide educational programs aimed at assisting users and prospective users of pesticides and shall solicit the aid of the department in providing technical assistance, and advice on the authorized use of pesticides.

**Sec. 149A-36 Authority to inspect.** The department or any authorized representative or employee of the department may enter upon any public or private property, according to law at any reasonable time to examine and inspect application methods and equipment, to examine and collect samples of plants, soil, and other materials, and to perform any other duty for the purpose of carrying out and effectuating the purposes of this chapter.

**Sec. 149A-37 Exemptions.** Exemption from this chapter may be granted by the department to the University of Hawaii and other state and federal agencies for experimental or research work directed toward obtaining knowledge of the characteristics and proper usage of unspecified or experimental pesticides. Research and experimental work conducted by private agencies with adequate research facilities may also be similarly exempted upon approval by the department. Approval must be in writing stating the specific exemptions and conditions.

#### **PART IV. VIOLATIONS, WARNING NOTICE, AND PENALTY**

**Sec. 149A-41 Violations, warning notice, and penalty.** (a) Any person who violates this chapter or any rule or regulation issued hereunder may upon the first violation be issued a written warning notice citing the specific violation and necessary corrective action.

(b) Any person who knowingly violates this chapter or any rule or regulation hereunder after receipt of a notice issued pursuant to subsection (a) shall be punished by a fine of not more than \$1,000.

#### **PART V. ADVISORY COMMITTEE**

**Sec. 149A-51 Advisory committee.** There shall be an advisory committee on pesticides composed of but not limited to the chairman, or his designated representative, who shall head the committee and one representative each from the department of health, department of land and natural resources, University of Hawaii agricultural experiment station, University of Hawaii cooperative extension service, State environmental organization, sugar industry, pineapple industry, livestock industry, Hawaii farm bureau federation, diversified crop industry, pesticide industry, structural pest control industry and three at-large members. Members of the advisory committee shall be appointed by the governor from a list of persons recommended by the respective agencies and industries in accordance with section 26-34. The committee shall advise and assist the department in developing or revising laws and regulations to carry out and effectuate the purposes of this chapter and in advising the department in pesticide problems.

**Sec. 149A-52 Severability.** If any provision of this chapter is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of this chapter and applicability thereof to other persons and circumstances shall not be affected.

**Sec. 149A-53 Applicability of chapter 91.** The board shall, in the administration of this chapter, conform to the provisions of chapter 91."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 22, 1975.)

## ACT 127

S.B. NO. 1556

A Bill for an Act Relating to Contractors.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 444-23, Hawaii Revised Statutes, is amended to read as follows:

"**Sec. 444-23 Violation, penalty.** Any person who violates, or omits to comply with, any of the provisions of this chapter shall be fined not more than \$5,000."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 23, 1975.)

## ACT 128

H.B. NO. 1571

A Bill for an Act Relating to Contractors.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 444-2, Hawaii Revised Statutes, is amended to read as follows:

"**Sec. 444-2 Exemptions.** This chapter shall not apply to:

- (1) An officer or employee of the United States, the State, or any political subdivision if the project or operation is performed by employees thereof;
- (2) Any person acting as a receiver, trustee in bankruptcy, administrator or executor, or any other person acting under any order or authorization of any court;

\*Edited accordingly.

- (3) A person who sells or installs any finished products, materials, or articles of merchandise which are not actually fabricated into and do not become a permanent fixed part of the structure, or to the construction, alteration, improvement, or repair of personal property;
- (4) Any project or operation for which the aggregate contract price for labor, materials, and all other items is less than \$100. This exemption shall not apply in any case wherein the undertaking is only a part of a larger or major project or operation, whether undertaken by the same or a different contractor or in which a division of the project or operation is made in contracts of amounts less than \$100 for the purpose of evading this chapter or otherwise;
- (5) A registered architect or professional engineer acting solely in his professional capacity;
- (6) Any person who engages in the activities herein regulated as an employee with wages as his sole compensation;
- (7) Owners or lessees of property who build or improve residential, farm, industrial or commercial buildings or structures on such property for their own use, or for use by their grandparents, parents, siblings, or children and do not offer such buildings or structures for sale or lease. In all actions brought under this paragraph, proof of the sale or lease, or offering for sale or lease, of such structure within one year after completion is "prima facie" evidence that the construction or improvement of such structure was undertaken for the purpose of sale or lease; provided, however, that this shall not apply to residential properties sold or leased to employees of the owner or lessee;
- (8) Any copartnership or joint venture if all members thereof hold licenses issued under this chapter."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 23, 1975.)

ACT 129

H.B. NO. 1572

A Bill for an Act Relating to Contractors.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 444-14, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 444-14 Place of business and posting of license.** (a) A licensed contractor shall have, maintain, and operate from a definite place of business in the State and shall display therein his or her contractor's license.

\*Edited accordingly.

(b) The licensed contractor shall report any change of address or telephone number to the contractors license board within ten business days from such change.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 23, 1975.)

## ACT 130

S.B. NO. 717

A Bill for an Act Relating to the Relationship Between the State of Hawaii and the Federal Government.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The legislature finds that sufficient liaison has not been maintained between the legislature of the State of Hawaii and the federal government and that the increasing complexity of government requires such liaison.

SECTION 2. Sec. 23-4 of the Hawaii Revised Statutes is hereby amended to read as follows:

“**Sec. 23-4 Duties.** (a) The auditor shall conduct postaudits of all transactions and of all books and accounts kept by or for all departments, offices, and agencies of the State and its political subdivisions. The postaudits and all examinations to discover evidence of any unauthorized, illegal, irregular, improper, or unsafe handling or expenditure of state funds, or other improper practice of financial administration shall be conducted at least once in every two years after the close of a fiscal year, and at such other time or times during the fiscal year as he shall deem necessary or as may be required by the legislature for the purpose of certifying to the accuracy of all financial statements issued by the respective accounting officers and of determining the validity of expenditures of state or public funds.

(b) The auditor shall serve as liaison between the legislature and the federal government and shall report to the legislature at least annually on such matters as should be considered by the legislature pertaining to the relationship between the state and federal governments.”

SECTION 3. New statutory material is underscored. In printing this Act, the revisor of statutes need not include the underscoring.\*

SECTION 4. This Act shall take effect upon its approval.

(Approved May 24, 1975.)

\*Edited accordingly.

A Bill for an Act Relating to the Establishment of a Special Fund for the University of Hawaii Community Colleges.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The purpose of this Act is to authorize the establishment of a Special Fund for the Community College System, University of Hawaii.

SECTION 2. Chapter 305, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**"Sec. 305- Special fund.** The provisions of section 304-8 notwithstanding there is hereby created a special fund to receive, disburse, and account for funds of special programs and activities of the community colleges, including but not limited to off-campus programs, summer session programs, overseas programs, evening sessions, study abroad, exchange programs, cultural enrichment programs, and consultative services which help make available the resources of the community colleges to the communities they serve."

SECTION 3. New material is underscored. In printing this Act, the revisor need not include the underscoring.\*

SECTION 4. This Act shall take effect upon its approval.

(Approved May 24, 1975.)

A Bill for an Act Relating to Horizontal Property Regimes.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 514, Hawaii Revised Statutes, is amended by adding four new sections to be appropriately designated and to read as follows:

**"Sec. 514- Management contracts; developer and its affiliates.** If the developer or any affiliate of the developer acts as the first managing agent for the association of apartment owners following its organization, the contract shall not have a term exceeding one year and shall contain a provision that the contract may be terminated by either party thereto on not more than sixty days' written notice. An affiliate of, or person affiliated with, a developer is a person that directly or indirectly controls, is controlled by, or is under common control with, the developer.

**Sec. 514- Purchaser's right to vote.** The purchaser of an apartment pursuant to an agreement of sale recorded in the bureau of conveyances or land court shall have all the rights of an apartment owner, including the right to vote; provided that the seller may retain the right to vote on matters sub-

\*Edited accordingly.

stantially affecting his security interest in the apartment, including but not limited to, the right to vote on:

- (1) Any partition of all or part of the project,
- (2) The nature and amount of any insurance covering the project and the disposition of any proceeds thereof,
- (3) The manner in which any condemnation of the project shall be defended or settled and the disposition of any award or settlement in connection therewith,
- (4) The payment of any amount in excess of insurance or condemnation proceeds,
- (5) The construction of any additions or improvements, and any substantial repair or rebuilding of any portion of the project,
- (6) The special assessment of any expenses,
- (7) The acquisition of any apartment in the project,
- (8) Any amendment to the declaration of horizontal property regime or bylaws,
- (9) Any removal of the project from the provisions of this chapter, and
- (10) Any other matter which would substantially affect the security interest of the seller.

**Sec. 514- Merger of increments.** Two or more condominium projects, whether or not adjacent to one another, but which are part of the same incremental plan of development and in the same vicinity, may be merged together so as to permit the joint use of the common elements of the projects by all the owners of the apartments in the merged projects. The merger documents may provide for a single association of apartment owners and board of directors for the merged projects and for a sharing of the common expenses of the projects among all the owners of the apartments in the merged projects.

**Sec. 514- Warranty against structural and appliance defects; notice of expiration required.** The developer of a horizontal property regime subject to this chapter shall give notice by certified mail at the appropriate time to all members of the association of apartment owners and all members of the board of directors that the normal one-year warranty period will expire in ninety days. The notice shall set forth specific methods which apartment owners may pursue in seeking remedies for defects, if any, prior to expiration.”

SECTION 2. Section 514-10, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 514-10 Common profits and expenses.** The common profits of the property shall be distributed among, and the common expenses shall be charged to, the apartment owners, including the developer, in proportion to the common interest appurtenant to their respective apartments; provided that in the case of limited common elements all costs and expenses of every description pertaining thereto including but not limited to the cost of the maintenance, repair, and replacement of, and the making of any additions and improvements to, any limited common element may be charged to the owners of the apartments for the use of which such limited common element is reserved in any equitable manner as set forth in the declaration. An apart-

ment owner, including the developer, shall become obligated for the payment of the share of the common expenses allocated to his apartment at the time the certificate of occupancy relating to his apartment is issued by the appropriate county agency.”

SECTION 3. Section 514-20, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 514-20 Contents of bylaws.** The bylaws shall provide for at least the following:

- (1) The election of a board of directors, the number of persons constituting the same, and that the terms of at least one-third of the directors shall expire annually; the powers and duties of the board; the compensation, if any, of the directors; the method of removal from office of directors; and whether or not the board may engage the services of a manager or managing agent, or both, and specifying which of the powers and duties granted to the board by this chapter or otherwise may be delegated by the board to either or both of them.
- (2) Method of calling meetings of the apartment owners; what percentage, if other than a majority of apartment owners, constitutes a quorum; and what percentage is, consistent with this chapter, necessary to adopt decisions binding on all apartment owners.
- (3) Election of a president from among the board of directors who shall preside over the meetings of the board of directors and of the association of apartment owners.
- (4) Election of a secretary who shall keep the minute book wherein resolutions shall be recorded.
- (5) Election of a treasurer who shall keep the financial records and books of account.
- (6) Operation of the property, payment of the common expenses, and determination and collection of the common charges.
- (7) Manner of collecting from the apartment owners their share of the common expenses.
- (8) Designation and removal of personnel necessary for the maintenance, repair, and replacement of the common elements.
- (9) Method of adopting and of amending administrative rules and regulations governing the details of the operation and use of the common elements.
- (10) Such restrictions on and requirements respecting the use and maintenance of the apartments and the use of the common elements, not set forth in the declaration, as are designed to prevent unreasonable interference with the use of their respective apartments and of the common elements by the several apartment owners.
- (11) That seventy-five per cent of the apartment owners may at any time modify or amend the bylaws, but each one of the particulars set forth in this section shall always be embodied in the bylaws.
- (12) That the first meeting of the association of apartment owners shall be held not later than one hundred eighty days after a certificate of



occupancy for the project has been issued by the appropriate county agency.

- (13) That all members of the board of directors shall be owners, co-owners, a spouse of an owner, or an officer of any corporate owner of an apartment. The partners in a general partnership and the general partners of a limited partnership shall be deemed to be the owners of an apartment for this purpose.
- (14) That a director shall not vote on any issue in which he has a conflict of interest.”

SECTION 4. Section 514-21, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 514-21 Books of receipts and expenditures; availability for examination.** The manager or board of directors shall keep detailed, accurate records in chronological order, of the receipts and expenditures affecting the common elements, specifying and itemizing the maintenance and repair expenses of the common elements and any other expenses incurred. All records and the vouchers authorizing the payments shall be kept and maintained at the address of the project, or elsewhere within the State as determined by the board of directors, and shall be available for examination by the apartment owners at convenient hours of weekdays.”

SECTION 5. Section 514-46, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 514-46 Penalties.** Any person who, in any respect, violates or fails to comply with any of the provisions set forth in sections 514-21, 514-29 to 514-52 and 514-55 or who in any other respect violates or fails, omits, or neglects to obey, observe, or comply with any rule, order, decision, demand, or requirement of the real estate commission under sections 514-21, 514-29 to 514-52 and 514-55 is guilty of a misdemeanor, and shall be punished by a fine not exceeding \$1,000 or by imprisonment for a term not exceeding one year, or both.”

SECTION 6. Section 514-48, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 514-48 Investigatory powers.** If the real estate commission has reason to believe that a developer is violating any provision set forth in sections 514-21, 514-29 to 514-52 and 514-55, or the rules and regulations of the commission made pursuant thereto, the commission may investigate the developer's project and examine the books, accounts, records, and files used in the project of the developer. For the purposes of examination, the developer is required to keep and maintain records of all sales transactions and of the funds received by him pursuant thereto, and to make them accessible to the commission upon reasonable notice and demand.”

SECTION 7. Section 514-50, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 514-50 Power to enjoin.** Whenever the real estate commission

believes from satisfactory evidence that any person has violated any of sections 514-21, 514-29 to 514-52 and 514-55 or the rules and regulations of the commission made pursuant thereto, it may conduct an investigation on such matter, and bring an action in the name of the people of the State of Hawaii in any court of competent jurisdiction against the person to enjoin the person from continuing the violation or engaging therein or doing any act or acts in furtherance thereof."

SECTION 8. Section 514-2, Hawaii Revised Statutes, is amended by amending the definition of "property" to read:

"(18) "Property" means and includes the land, whether or not contiguous and including more than one parcel of land, but located within the same vicinity, whether leasehold or in fee simple, to the extent of the interest held therein by the owner or lessee submitting such interest to the horizontal property regime, the building or buildings, all improvements and all structures thereon, and all easements, rights, and appurtenances belonging thereto, and all articles of personal property intended for use in connection therewith, which have been or are intended to be submitted to the regime established by this chapter."

SECTION 9. Section 514-3, Hawaii Revised Statutes, is amended to read as follows:

"**Sec. 514-3 Horizontal property regimes.** Whenever the sole owner or all of the owners including all of the lessees of a property expressly declare, through the execution and recordation of a master deed, together with a declaration, which declaration shall set forth the particulars enumerated by section 514-11, his or their desire to submit the property to the regime established by this chapter, there shall thereby be established a horizontal property regime with respect to the property, and this chapter shall be applicable to the property. If the master deed is already recorded, the recordation of the declaration is sufficient to achieve the same result."

SECTION 10. Section 514-11, Hawaii Revised Statutes, is amended to read as follows:

"**Sec. 514-11 Recordation and contents of declaration.** The bureau of conveyances and the land court shall immediately set up the mechanics and method by which recordation of a master deed or lease and the declaration may be made. Provisions shall be made for the recordation of instruments affecting the individual apartments on subsequent resales, mortgages, and other encumbrances, as is done with all other real estate recordations; provided that land court certificates of title shall not be issued for apartments. The declaration to which section 514-3 refers shall express the following particulars:

- (1) Description of the land, whether leased or in fee simple, on which the building or buildings and improvements are or are to be located.
- (2) Description of the building or buildings, stating the number of stories and basements, the number of apartments, and the principal

materials of which it or they is or are constructed or to be constructed.

- (3) The apartment number of each apartment, and a statement of its location, approximate area, number of rooms, and immediate common element to which it has access, and any other data necessary for its proper identification.
- (4) Description of the common elements.
- (5) Description of the limited common elements, if any, stating to which apartments their use is reserved.
- (6) The percentage of undivided interest in the common elements appertaining to each apartment and its owner for all purposes, including voting.
- (7) Statement of the purposes for which the building or buildings and each of the apartments are intended and restricted as to use.
- (8) The name of a person to receive service of process in the cases hereinafter provided, together with the residence or place of business of the person which shall be within the county or city and county in which the property is located.
- (9) Provision as to the percentage of votes by the apartment owners which shall be determinative of whether to rebuild, repair, or restore the property in the event of damage or destruction of all or part of the property.
- (10) Any further details in connection with the property which the person executing the declaration may deem desirable to set forth consistent with this chapter.
- (11) The method by which the declaration may be amended, consistent with this chapter.
- (12) Description as to any additions, deletions, modifications, and reservations as to the property."

SECTION 11. Section 514-12, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 514-12 Contents of deeds or leases of apartments.** Deeds or leases of apartments shall include the following particulars:

- (1) Description of the land as provided in section 514-11, or incorporation by reference of the description in the declaration, or the post office address of the property, including in either case an appropriate reference to the recording of the declaration.
- (2) The apartment number of the apartment in the declaration and any other data necessary for its proper identification.
- (3) Statement of the use for which the apartment is intended and restrictions on its use.
- (4) The common interest appertaining to the apartment.
- (5) All encumbrances on the apartment and any further details which the grantor and grantee, or lessor and lessee, deem desirable to set forth consistent with the declaration of this chapter."

SECTION 12. Section 514-13, Hawaii Revised Statutes, is amended to

read as follows:

**“Sec. 514-13 Copy of the floor plans to be filed.** Simultaneously with the recording of the declaration, there shall be filed in the office of the recording officer a set of the floor plans and elevations of the building or buildings, showing the layout, location, apartment numbers, and dimensions of the apartments, stating the name of the property or that it has no name, and bearing the verified statement of a registered architect or professional engineer certifying that it is an accurate copy of portions of the plans of the building or buildings as filed with and approved by the county or city and county officer having jurisdiction over the issuance of permits for the construction of buildings. If the plans do not include a verified statement by the architect or engineer that the plans fully and accurately depict the layout, location, apartment numbers, and dimensions of the apartments as built, there shall be recorded within thirty days from the date of completion of the building or buildings as “date of completion” is defined in section 507-43, or from the date of occupancy of the building or buildings, whichever shall first occur, an amendment to the declaration to which shall be attached a verified statement of a registered architect or professional engineer certifying that the final plans theretofore filed, or being filed simultaneously with such amendment, fully and accurately depict the layout, location, apartment numbers, and dimensions of the apartments as built. The plans shall be kept by the recording officer in a separate file for each property, indexed in the same manner as a conveyance entitled to record, numbered serially in the order of receipt, each designated “apartment ownership,” with the name of the property, if any, and each containing an appropriate reference to the recording of the declaration. Correspondingly, the record of the declaration shall contain a reference to the file number of the floor plans of the building or buildings on the property affected thereby.”

SECTION 13. Section 514-16, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 514-16 Blanket mortgages and other blanket liens affecting an apartment at time of first conveyance or lease.** At the time of the first conveyance or lease of each apartment, every mortgage and other lien, except any improvement district or utility assessment, affecting both the apartment and any other apartment shall be paid and satisfied of record, or the apartment being conveyed or leased and its common interest shall be released therefrom by partial release duly recorded.”

SECTION 14. Section 514-24, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 514-24 Priority of lien.** (a) All sums assessed by the association of apartment owners but unpaid for the share of the common expenses chargeable to any apartment constitute a lien on the apartment prior to all other liens, except only (1) liens for taxes and assessments lawfully imposed by governmental authority against the department, and (2) all sums unpaid on mortgages of record, and costs and expenses including attorney’s fees

provided in such mortgages. The lien may be foreclosed by action by the manager or board of directors, acting on behalf of the apartment owners, in like manner as a mortgage of real property. In any such foreclosure the apartment owner shall be required to pay a reasonable rental for the apartment, if so provided in the bylaws, and the plaintiff in the foreclosure shall be entitled to the appointment of a receiver to collect the same. The manager or board of directors, acting on behalf of the apartment owners, may, unless prohibited by the declaration, bid on the apartment at foreclosure sale, and acquire and hold, lease, mortgage, and convey the same. Action to recover a money judgment for unpaid common expenses shall be maintainable without foreclosing or waiving the lien securing the same.

(b) Where the mortgagee of a mortgage of record or other purchaser of an apartment obtains title to the apartment as a result of foreclosure of the mortgage, the acquirer of title, his successors and assigns, shall not be liable for the share of the common expenses or assessments by the association of apartment owners chargeable to the apartment which became due prior to the acquisition of title to the apartment by the acquirer. The unpaid share of common expenses or assessments shall be deemed to be common expenses collectible from all of the apartment owners, including the acquirer, his successors and assigns."

SECTION 15. Section 514-29, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 514-29 Notification of intention.** Prior to the time when a condominium project is to be offered for sale in this State, the developer shall notify the real estate commission in writing of his intention to sell such offerings. No offer of sale or sale shall be made without the issuance of a preliminary or final public report."

SECTION 16. Section 514-37, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 514-37 Changes in building plans.** Purchaser's funds obtained prior to issuance of final reports shall be refunded if there is any change in the condominium building plans subsequent to execution of the contract requiring approval of a county officer having jurisdiction over issuance of permits for construction of buildings, unless purchaser's written approval or acceptance of the specific change is obtained or ninety days have elapsed since the purchaser has accepted in writing the apartment or he has first occupied the apartment."

SECTION 17. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 18. This Act shall take effect upon its approval.

(Approved May 24, 1975.)

\*Edited accordingly.

A Bill for an Act Relating to Provisions for Fair Competitive Practices in the Termination of Gasoline Dealers Franchise Agreements.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

## “CHAPTER GASOLINE DEALERS

**Sec. -1 Definitions.** As used in this part:

(1) “Franchise” means:

(A) Any agreement or related agreements between a petroleum distributor and a gasoline dealer under which the gasoline dealer is granted the right to use a trademark, trade name, service mark, or other identifying symbol or name owned by the distributor in connection with the retail sale of petroleum products supplied by the petroleum distributor; or

(B) Any agreement or related agreements described in subparagraph (A) and any agreement between a petroleum distributor and a gasoline dealer under which the gasoline dealer is granted the right to occupy the premises owned, leased, or controlled by the distributor, for the purpose of engaging in the retail sale of petroleum products supplied by the distributor.

(2) “Gasoline dealer” means any person engaged in the retail sale of petroleum products in the United States under a franchise agreement entered into with a petroleum distributor.

(3) “Good faith” means the duty of a gasoline dealer and a petroleum distributor to act in a fair and equitable manner in the performance and in the demanding of performance of the terms and provisions of the franchise.

(4) “Petroleum distributor” means any person engaged in the sale, consignment, or distribution of petroleum products to retail outlets which it owns, leases or otherwise controls.

(5) “Retail” means the sale of a product for purposes other than resale.

**Sec. -2 Wrongful or illegal termination; unreasonable nonrenewal; damages; defenses.** (a) Except as provided in section -3, a petroleum distributor shall be liable to a gasoline dealer who sells the products of the petroleum distributor under a franchise from the distributor for damages and such equitable relief as the court deems proper resulting from the wrongful or illegal termination or cancellation of the franchise during its term or the petroleum distributor’s unreasonable refusal to renew the franchise.

(b) A gasoline dealer suffering damages as a result of the termination or cancellation of, or failure to renew, his franchise may bring an action under this section against the petroleum distributor who wrongfully or illegally terminated, canceled, or unreasonably refused to renew his franchise in the court

of general jurisdiction in which such petroleum distributor has his principal place of business, is found, or has an agent. The action may be brought without regard to the amount in controversy. If the gasoline dealer prevails in the action, he may recover actual damages sustained, the costs of the suit, including reasonable attorneys' fees, and such equitable relief as the court deems proper.

The court may also grant such temporary relief as it may deem necessary and proper.

(c) It shall be a defense to any action brought under this section that the franchise was terminated, canceled, or not renewed because:

- (1) The gasoline dealer failed to comply substantially with essential and reasonable requirements of the franchise agreement;
- (2) The gasoline dealer failed to act in good faith in carrying out the terms and provisions of the franchise; or
- (3) Of any of the reasons enumerated in section -3; or
- (4) Of other legitimate business reasons; provided that a termination, cancellation, or failure to renew a franchise for the purpose of enabling the petroleum distributor to assume operation of the gasoline dealer's business shall not be considered to be a legitimate business reason unless the gasoline dealer is paid reasonable compensation for the value of his franchise, including good will.

(d) No action may be brought under this section for a cause of action which arose more than two years prior to the date on which the action is brought.

**Sec. -3 Notice of termination, cancellation, or nonrenewal.** A petroleum distributor shall not terminate, cancel, or refuse to renew a franchise with a gasoline dealer without first giving him written notice by certified mail at least ninety days in advance of the effective date of such action as set forth in the notice. Notwithstanding any provision to the contrary contained in this section, a petroleum distributor may terminate, cancel, or refuse to renew a franchise with a gasoline dealer effective five days after the posting of written notice by certified mail to the gasoline dealer at his last known address, if such action is based on any of the following reasons:

- (1) Citation of the gasoline dealer by the division of weights and measures for adulteration, substitution, contamination, or other degradation of petroleum products sold under the trademark of the petroleum distributor; provided such adulteration, substitution, contamination, or other degradation is caused by the wilful or negligent act of the gasoline dealer; or
- (2) Voluntary abandonment of the franchise relationship by the gasoline dealer; or
- (3) Conviction of the gasoline dealer of a crime involving the business conducted pursuant to the franchise; or
- (4) Adjudication of bankruptcy of the gasoline dealer, or his becoming insolvent in the sense that the dealer cannot meet his financial obligations when due.

**Sec. -4 Exceptions.** No action may be brought under section -2

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in connection with the termination, cancellation, or nonrenewal of a franchise if the franchise agreement provides for the binding arbitration of disputes arising under the agreement, including disputes related to the termination, cancellation, or nonrenewal of the franchise, in accordance with the rules of the American Arbitration Association.”

SECTION 2. This Act shall take effect upon its approval and shall apply to all disputes covered thereby arising after its effective date.

(Approved May 27, 1975.)

ACT 134

H.B. NO. 133

A Bill for an Act Relating to Injunction of Violation of Laws and Ordinances.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 603-23, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 603-23 Injunction of violation of laws and ordinances.** The circuit courts shall have power to enjoin or prohibit any violation of the laws of the State, or of the ordinances of the various counties, upon application of the attorney general, the director of the office of consumer protection, or the various county attorneys, corporation counsels, or prosecuting attorneys, even if a criminal penalty is provided for violation of the laws or ordinances. Nothing herein limits the powers elsewhere conferred on circuit courts.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 27, 1975.)

ACT 135

H.B. NO. 354

A Bill for an Act Relating to Eligibility of Applicants for Farm Loans and Farm Lots.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 155-1, Hawaii Revised Statutes, is amended by amending the definition of “new farmer program” to read:

“(3) “New farmer program” means a new farm enterprise for qualified new farmers, including persons who are displaced from employment in an agricultural production enterprise, college graduates in agriculture, community college graduates in agriculture, and mem-

\*Edited accordingly.



bers of the Hawaii Young Farmer Association and Future Farmer of America graduates with farming projects, persons who have not less than two years' experience as part-time farmers, persons who have been farm tenants or farm laborers, or other individuals who have for the two years last preceding their application obtained the major portion of their income from farming operations, and persons who by reason of ability, experience, and training as vocational trainees are likely to successfully operate a farm, who otherwise meet the eligibility requirements of section 155-10."

SECTION 2. Section 171-68, Hawaii Revised Statutes, is amended by amending subsection (a) to read:

"(a) A person shall be eligible to apply for a farm if he has the qualifications as follows:

- (1) He has been a resident in the State at any time for at least three years;
- (2) He is a bona fide farmer:
  - (A) Who has not less than two years' experience as a full-time farmer; or
  - (B) Who was an owner-operator of an established farm conducting a substantial farming operation and who for a substantial period of his life resided on a farm or depended on farm income for his livelihood; or
  - (C) Who has been a farm tenant or farm laborer or other individual, who has for the two years last preceding his application obtained the major portion of his income from farming operations; or
  - (D) Who has a college degree in agriculture; or
  - (E) Who by reason of ability, experience, and training as a vocational trainee is likely to successfully operate a farm; or
  - (F) Who has qualified for and received a commitment for a loan under the Bankhead-Jones Farm Tenant Act as amended, or as may hereafter be amended, for the acquisition of a farm; or
  - (G) Who is displaced from employment in an agricultural production enterprise; or
  - (H) Who is a member of the Hawaii Young Farmer Association or a Future Farmer of America graduate with two years of training with farming projects; or
- (3) He meets such other qualifications as the board of land and natural resources may prescribe pursuant to section 171-6."

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 4. This Act shall take effect upon approval.

(Approved May 27, 1975.)

\*Edited accordingly.

A Bill for an Act Relating to the Licensing of Travel Agencies.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

## "CHAPTER TRAVEL AGENCIES

**Sec. -1 Definitions.** As used in this chapter:

- (1) "Department" means the department of regulatory agencies.
- (2) "Director" means the director of regulatory agencies.
- (3) "Travel Agency" means any sole proprietorship, organization, trust, group, association, partnership, corporation, society or combination of such, which for compensation or other consideration, acts or attempts to act as an intermediary between a person seeking to purchase travel services and any person seeking to sell travel services. Travel agency does not include an air or ocean carrier, or an officially appointed agency of an air or ocean carrier.
- (4) "Sales representative" means any employee or agent of a travel agency who arranges for the purchase or sale of travel services but does not include a salaried employee of a licensed travel agency.

**Sec. -2 License required.** No travel agency or sales representative shall engage in the business of selling travel services without a license obtained under this chapter and the rules of the director.

**Sec. -3 Application for license.** Every person seeking a license to act as a travel agency or sales representative shall file a written application with the director which shall contain the required information in the form prescribed by the director.

**Sec. -4 License fees, renewals.** (a) An applicant for a license to act as a travel agency shall pay a non-refundable fee of \$100 and an additional fee of \$20 for each permanent branch office.

(b) Applicants for a license to act as a sales representative shall pay a non-refundable fee of \$20.

(c) Licenses for both agencies and sales representatives shall expire on June 30 of each odd-numbered year and the biennial renewal fees shall be \$100 for agencies, \$20 for each permanent branch office of a licensed agency, and \$20 for sales representatives.

(d) The fee for an original license issued during an even-numbered year shall be one-half of the biennial fees.

**Sec. -5 Issuance and transfer of license.** (a) Upon receipt of an application for a license to conduct a travel agency or to act as a sales representative, the director may order the issuance of the license provided that the application is complete and in proper form.

(b) Licenses shall not be transferable except upon approval of the director.

(c) Licenses for travel agencies shall be valid only as to the travel agency and the premises provided in the application and permanent branch offices. The location of the agency shall not be changed without the written consent of the director and any change of location shall be endorsed on the license.

**Sec. -6 Posting.** Every license to conduct a travel agency and licenses of all sales representatives of travel agencies shall be posted in a conspicuous place in the main room of the agency. Any advertisement by a travel agency shall state the license number of the agency.

**Sec. -7 Bond.** (a) Each travel agency and sales representative receiving a license shall give to the director and keep in force a bond or bonds with sufficient surety or sureties approved by the director, conditioned:

- (1) That the licensee shall not violate any of the provisions of this chapter or any rule promulgated pursuant thereto;
- (2) That the licensee shall not violate any provision of any consumer protection statutes; and
- (3) That the licensee shall faithfully, promptly, and truly refund all fees illegally or incorrectly obtained from customers to the director.

(b) The licensee shall maintain bonds in the following amounts:

- (1) A sum of not less than \$10,000 for travel agencies; and
- (2) A sum of not less than \$1,000 for sales representatives.

**Sec. -8 Revocation and cancellation.** Any license may be revoked or canceled for cause at any time by the director after affording all interested parties reasonable opportunity for a fair hearing pursuant to chapter 91. Cause shall mean any violation of any provision of this chapter or rule of the director.

**Sec. -9 Reconsideration.** In the absence of appeal and within ten days after mailing or delivery of notice of decision made pursuant to sections -5 and -8 to all interested parties, the director may, for good cause, on his own motion or upon application of any interested party reconsider the decision.

**Sec. -10 Appeals.** Any person affected by a decision made pursuant to sections -5 and -8 may appeal to the circuit court as provided in section 91-14.

**Sec. -11 Stay of enforcement.** In no case shall an application for reconsideration or an appeal to the circuit court act as a supersedeas or stay unless the director or the circuit court so orders.

**Sec. -12 Rules.** The director may make, amend or repeal rules pursuant to chapter 91, as he may deem proper to fully effectuate the provisions of this chapter.

**Sec. -13 Records and reports.** Every travel agency shall keep accurate and up-to-date records on all travel arrangements made for customers. The records required by law or rules shall be preserved by the agency for a period of at least two years.

**Sec. -14 Restitution.** Any person who engages in an unlawful act or practice which violates any provision of this chapter or rules promulgated pursuant thereto may be ordered by a court of proper jurisdiction to make

restitution to all individual consumers injured by the act or practice.

**Sec. -15 Penalties.** Any person who engages in an unlawful act or practice which violates any provision of this chapter or rules promulgated pursuant thereto shall be fined a sum of not less than \$500 nor more than \$2,500 for each unlawful act or practice, which sum shall be collected in a civil suit brought by the office of consumer protection.”

SECTION 2. This Act shall take effect upon its approval.

(Approved May 27, 1975.)

A Bill for an Act Relating to Public Assistance.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 346, Hawaii Revised Statutes, is amended by adding thereto the following sections, to be appropriately designated and to read:

**“Sec. 346- Payment of public assistance for child constitutes debt to department by natural or adoptive parents.** Any payment of public assistance money made to or for the benefit of any dependent child or children creates a debt due and owing to the department by the natural or adoptive parent or parents who are responsible for support of such children in an amount equal to the amount of public assistance money so paid, except that debts under this section shall not be incurred by nor at any time be collected from a parent or other person who is the recipient of public assistance moneys for the benefit of minor dependent children for the period such person or persons are in such status, and, provided that where there has been a family court order, the debt shall be limited to the amount provided for by said order.

**Sec. 346- Department subrogated to rights.** The department shall be subrogated to the right of said child or children or person having the care, custody, and control of said child or children to prosecute or maintain any support action or execute any administrative remedy existing under the laws of the State to obtain reimbursement of moneys thus expended. If a family court order enters judgment for an amount of support to be paid by an obligor parent, the department shall be subrogated to the debt created by such order, and said money judgment shall be deemed to be in favor of the department.

**Sec. 346- Notice of child support debt.** The department may issue a notice of support debt accrued or accruing based upon payment of public assistance to or for the benefit of any dependent child or children. Said notice of debt shall be served upon the debtor in the manner prescribed for the service of summons in a civil action including summons by publication where appropriate and necessary.

**Sec. 346- Debt satisfaction.** If within twenty-one days after service, receipt, or refusal of the notice of support debt the debtor has not made satisfactory arrangements with the department to resolve the debt, the debt will be subject to collection action, and the earnings of the debtor will be subject

to lien and the personal and real property of the debtor will be subject to lien and foreclosure, distraint, seizure and sale, or order to withhold and deliver, in accordance with state laws governing such proceedings.

**Sec. 346- Authority to pursue non-support claims.** The attorney general shall, at the request of and on behalf of the department of social services and housing, be granted the authority to pursue all non-support claims that come to the department's attention, irrespective of whether or not a family court order or judgment has been entered and whether or not requested by the family court of that particular jurisdiction."

SECTION 2. Section 346-37, Hawaii Revised Statutes, is amended to read:

**"Sec. 346-37 Recovery of payments.** (a) If a recipient under this chapter dies leaving an estate and does not have a surviving spouse, child, father, mother, grandfather, grandmother, grandchild, stepfather, stepmother, or any designated heir, then the department of social services and housing may file a claim against the estate for the amount of public assistance granted, and the claim shall be allowed.

(b) Where a third party liability may exist, the department of social services and housing may seek reimbursement of an amount not to exceed the amount of medical payment made by the department. The department of social services and housing shall require the recipient of such payments to execute an assignment of the proceeds of any settlement made, or to be made, by or on behalf of a responsible third party. The responsible third party shall, upon notification of such assignment, make payment to the department.

Upon the recovery of any claim as provided in this section, the amount so recovered shall be paid into the treasury of the State, and if the amount for which claim was paid in part from federal funds, the proper portion thereof shall be paid by the director of finance into the treasury of the United States, and the director of finance shall report the payment to the department of social services and housing."

SECTION 3. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 4. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.\*

SECTION 5. This Act shall be effective upon its approval.

(Approved May 27, 1975.)

\*Edited accordingly.

A Bill for an Act Relating to the Criminal Injuries Compensation Law.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 351-13, Hawaii Revised Statutes, is amended to read:

**“Sec. 351-13 Powers and procedures of commission.** Upon an application made to the criminal injuries compensation commission under this chapter, the commission shall fix a time and place for a hearing on such application and shall cause notice thereof to be given to the applicant. The commission may hold such hearings, sit and act at such times and places, and take such testimony as the commission may deem advisable. Any two members shall constitute a quorum; but in such case the concurring vote of the two members shall be necessary to take any action. Any member of the commission may administer oaths or affirmations to witnesses appearing before the commission. The commission shall have such powers of subpoena and compulsion of attendance of witnesses and production of documents and of examination of witnesses as are conferred upon a circuit court. Subpoenas shall be issued under the signature of the chairman. The circuit court of any circuit in which a subpoena is issued or served or in which the attendance or production is required may, upon the application of the commission, enforce the attendance and testimony of any witness and the production of any document so subpoenaed. Subpoena and witness fees and mileage shall be the same as in criminal cases in the circuit courts, and shall be payable from funds appropriated for expenses of administration.”

SECTION 2. Section 351-31, Hawaii Revised Statutes, is amended to read:

**“Sec. 351-31 Eligibility for compensation.** (a) In the event any person is injured or killed by any act or omission of any other person coming within the criminal jurisdiction of the State after June 6, 1967, which act or omission is within the description of the crimes enumerated in section 351-32, the criminal injuries compensation commission may, in its discretion, upon an application, order the payment of compensation in accordance with this chapter:

- (1) To or for the benefit of the victim; or
  - (2) To any person responsible for the maintenance of the victim, where that person has suffered pecuniary loss or incurred expenses as a result of the victim's injury or death; or
  - (3) In the case of the death of the victim, to or for the benefit of any one or more of the dependents of the deceased victim; or
  - (4) To a parent of an adult deceased victim, or to an adult son or daughter of a deceased victim, where the parent, or adult son or daughter, has incurred expenses on account of hospital, medical, funeral, and burial expenses as a result of the victim's injury and death.
- (b) For the purposes of this chapter, a person shall be deemed to have

intentionally committed an act or omission notwithstanding that by reason of age, insanity, drunkenness, or otherwise he was legally incapable of forming a criminal intent.

(c) In determining whether to make an order under this section, the commission may consider any circumstances it determines to be relevant, and the commission shall consider the behavior of the victim, and whether, because of provocation or otherwise, the victim bears any share of responsibility for the crime that caused his injury or death and the commission shall reduce the amount of compensation in accordance with its assessment of the degree of such responsibility attributable to the victim.

(d) An order may be made under this section whether or not any person is prosecuted for or convicted of a crime arising out of an act or omission described in subsection (a), provided an arrest has been made or such act or omission has been reported to the police without undue delay. No order may be made under this section unless the commission finds that:

(1) The act or omission did occur; and

(2) The injury or death of the victim resulted from the act or omission.

Upon application from either the prosecuting attorney or the chief of police of the appropriate county, the commission may suspend proceedings under this chapter for such period as it deems desirable on the ground that a prosecution for a crime arising out of the act or omission has been commenced or is imminent, or that release of the investigation report would be detrimental to the public interest.

SECTION 3. Section 351-32, Hawaii Revised Statutes, is amended to read:

“Sec. 351-32 **Violent crimes.** (a) The crimes to which part III of this chapter applies are the following and no other:

- (1) Murder (Hawaii Penal Code, sec. 707-701),
- (2) Manslaughter (Hawaii Penal Code, sec. 707-702),
- (3) Assault in the first degree (Hawaii Penal Code, sec. 707-710),
- (4) Assault in the second degree (Hawaii Penal Code, sec. 707-711),
- (5) Assault in the third degree (Hawaii Penal Code, sec. 707-712),
- (6) Kidnapping (Hawaii Penal Code, sec. 707-720),
- (7) Rape in the first degree (Hawaii Penal Code, sec. 707-730),
- (8) Rape in the second degree (Hawaii Penal Code, sec. 707-731),
- (9) Rape in the third degree (Hawaii Penal Code, sec. 707-732),
- (10) Sodomy in the first degree (Hawaii Penal Code, sec. 707-733),
- (11) Sodomy in the second degree (Hawaii Penal Code, sec. 707-734),
- (12) Sodomy in the third degree (Hawaii Penal Code, sec. 707-735),
- (13) Sexual abuse in the first degree (Hawaii Penal Code, sec. 707-736),  
and
- (14) Sexual abuse in the second degree (Hawaii Penal Code, sec. 707-737).

(b) For the purposes of this part, the operation of a motor vehicle, boat, or aircraft that results in an injury or death shall not constitute a crime, unless the injuries were intentionally inflicted through the use of such vehicle, boat, or aircraft.”

SECTION 4. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 5. This Act shall take effect upon its approval.

(Approved May 27, 1975.)

ACT 139

H.B. NO. 931

A Bill for an Act Relating to Motor Vehicles.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 286-128, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) There is established a point system for the evaluation of the operating records of all persons operating motor vehicles and for the determination of the continuing qualifications of such persons to operate motor vehicles. The system shall have as its basic element a graduated scale of points assigning relative values to the various violations of the traffic laws of the State and of traffic ordinances of its counties to be imposed by the district judge in accordance with the following schedule of minimum and maximum points:

- (1) Driving while under influence of intoxicating liquor . . . . . 4 to 8
- (2) Heedless and careless driving . . . . . 3 to 6
- (3) Driving while license suspended or revoked (includes court conviction as well as safety responsibility violations) . . . . . 3 to 6
- (4) Fraudulent use of license . . . . . 3 to 6
- (5) Excessive speeding (fifteen miles or more over the established speed limit) . . . . . 3 to 6
- (6) Leaving scene of accident . . . . . 3 to 6
- (7) Speeding (ten miles or more over the established speed limit) . . . . . 1 to 4
- (8) Failure to report accident immediately . . . . . 1 to 4
- (9) Driving on left side of roadway . . . . . 0 to 4
- (10) Inattention to driving; negligent driving . . . . . 1 to 4
- (11) Permitting unlicensed driver to drive . . . . . 1 to 4
- (12) Following too closely . . . . . 1 to 3
- (13) Disregarding stop signs . . . . . 1 to 3
- (14) Right of way violations . . . . . 0 to 3
- (15) Disregarding traffic control signals . . . . . 1 to 3
- (16) Unlawful passing . . . . . 0 to 3
- (17) Unsafe changing of lanes . . . . . 0 to 3
- (18) Crossing solid or double lines . . . . . 0 to 3
- (19) Impeding traffic . . . . . 0 to 2
- (20) Improper turning . . . . . 0 to 2

\*Edited accordingly.



- (21) Unsafe emergence from parked position . . . . . 0 to 2
- (22) Disregarding pavement markings . . . . . 0 to 2
- (23) Unsafe movements . . . . . 0 to 2
- (24) Stopping at medial openings . . . . . 1 to 2
- (25) Improper emergence from private driveway . . . . . 1 to 2
- (26) Unattended motor vehicle (if motor running) . . . . . 1 to 2
- (27) Violation of pedestrian's right of way . . . . . 1 to 2
- (28) Unsafe equipment on vehicle . . . . . 0 to 2
- (29) Faulty brakes . . . . . 0 to 2
- (30) Driving with improper lights . . . . . 0 to 2
- (31) Operating or carrying a passenger on a motor scooter or motorcycle without safety helmet or, in absence of windscreen or windshield, without eye and face protective devices, or other protective devices required by the state highway safety coordinator . . . . . 0 to 2
- (32) Driving after failure to renew license . . . . . 0 to 2
- (33) Operating a motorcycle or motor scooter while carrying as a passenger or permitting to ride thereon a person under the age of seven years . . . . . 0 to 2
- (34) Failure to report to the district court for review of driving record or failure to attend required driving retraining course . . . . . 0 to 2."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 27, 1975.)

ACT 140

H.B. NO. 1410

A Bill for an Act Relating to Facsimile Signature of Registrar of the Land Court.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 501, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**"Sec. 501- Validity of facsimile signature.** A facsimile of the signature of the registrar, imprinted by him or by such office assistant as he in writing may designate, on any paper which he is required by law to certify as a true copy, except a copy of a decree for transcription in a registry of deeds, and such facsimile imprinted by the registrar himself upon any writ, summons, order of notice or order of attachment, except executions, shall have the same validity as his written signature. This authorization shall apply to assistant registrars under section 501-9."

\*Edited accordingly.

ACT 141

SECTION 2. New statutory material is underscored. In printing this Act, the revisor of statutes need not include the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 27, 1975.)

ACT 141

H.B. NO. 1842

A Bill for an Act Relating to Aquarium Admission Fees.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 304-32, Hawaii Revised Statutes, is amended to read:

**“Sec. 304-32 Aquarium admission fee.** The Board of Regents may charge the public a fee for admission to the aquarium provided that: 1) school children shall be admitted free if accompanied by a teacher, one day of each and every week, such day to be set by the director of the aquarium, and 2) persons over the age of 60 shall be admitted free if on an excursion or tour sponsored by a senior citizens group, one day of each and every week, such day to be set by the director of the aquarium.

All funds collected from the fees charged in accordance with the provisions of this section shall revert to the state general fund.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 3. This Act shall take effect upon approval.

(Approved May 27, 1975.)

ACT 142

H.B. NO. 1900

A Bill for an Act Relating to Experimental and Demonstration Housing Projects.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 46-15, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 46-15 Experimental and demonstration housing projects.** (a) The mayor of each county with the approval of the respective council shall be empowered to designate areas of land for experimental and demonstration housing projects, the purposes of which are to research and develop ideas that

\*Edited accordingly.

would reduce the cost of housing in the State. Except as hereinafter provided, the experimental and demonstration housing projects shall be exempt from all statutes, ordinances, charter provisions and rules or regulations of any governmental agency or public utility relating to the zoning and construction standards for the subdivision, development and improvement of land and the construction and sale of homes thereon; provided that the experimental and demonstration housing projects shall not affect the safety standards or tariffs approved by the public utility commissions for such public utility. The mayor of each county with the approval of the respective council may designate a county agency or official who shall have the power to review all plans and specifications for the subdivision, development and improvement of the land involved and the construction and sale of homes thereon. The county agency or official shall have the power to approve or disapprove or to make modifications to all or any portion of the plans and specifications. The final plans and specifications for the project approved by the county agency or official, upon subsequent approval by the respective council shall constitute the standards for that particular project. No action shall be prosecuted or maintained against any county, its officials or employees, on account of actions taken by them in reviewing, approving or disapproving such plans and specifications.

Any experimental or demonstration housing project for the purposes hereinabove mentioned may be sponsored by any state or county agency or any person as defined in section 1-19.

The county agency or official shall apply to the state land use commission for an appropriate land use district classification change, except where a proposed project is located on land within an urban district established by the state land use commission. Notwithstanding any law, rule or regulation to the contrary, the state land use commission may approve the application at any time after a public hearing held in the county where the land is located upon notice of the time and place of the hearing being published in the same manner as the notice required for a public hearing by the planning commission of the appropriate county.

(b) The experimental and demonstration homes may be sold to the public under terms and conditions approved by the county agency or official who has been designated to review the plans and specifications.

(c) The county agency or official may adopt and promulgate rules and regulations which are necessary or desirable to carry out the purposes of this section."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 27, 1975.)

\*Edited accordingly.

A Bill for an Act Relating to Automotive Repair Dealers.

*Be It Enacted by the Legislature of the State of Hawaii:*

**SECTION 1. Purpose and findings.** The purpose of this Act is to protect the interests of the public by establishing a system of registering and certifying motor vehicle repair dealers and the mechanics employed by repair dealers. Increased horsepower, weight, and numerous improvements engendered by sophisticated engineering developments have added to the use and enjoyment of the automobile by the motoring public. Accelerated improvements in the automobile have been accomplished by a discernable demand for greater attention to improve maintenance and repair methods to assure optimum performance without sacrificing the requirements of safety. The tendency of motorists to maintain and operate their vehicles for longer periods of time amplifies the importance of adequate service and repairs. The legislature finds that persons who lack the proper training and experience are incapable of providing quality automotive repair services to the motoring public. The legislature believes this Act will serve the interests of the motoring public as well as the interests of the motor vehicle repair industry.

**SECTION 2.** The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

**“CHAPTER  
REGULATION OF MOTOR VEHICLE REPAIRS**

**Sec. -1 Definitions.** As used in this chapter:

- (1) “Board” means the motor vehicle repair industry board.
- (2) “Department” means the department of regulatory agencies.
- (3) “Motor vehicle” means any passenger car, truck, truck tractor, motorcycle, or motor scooter, as defined in section 286-2.
- (4) “Motor vehicle repair dealer” means any person who is, or has in his employ, a motor vehicle mechanic registered under this chapter and who, for compensation, engages in the business of diagnosing or repairing malfunctions of motor vehicles.
- (5) “Motor vehicle mechanic” means any person, whether self-employed or employed by another, who, for compensation, engages in the diagnosis or repair of malfunctions of motor vehicles, and may be classified as “intermediate” or “journeyman” as the terms are commonly used in the motor vehicle repair industry.
- (6) “Motor vehicle mechanic apprentice” means any person who, for compensation, engages in the diagnosis or repair of malfunctions of motor vehicles under the supervision of a motor vehicle mechanic.
- (7) “Registered mechanic” is a motor vehicle mechanic who has registered in accordance with this chapter.
- (8) “Registered-certified mechanic” is a motor vehicle mechanic who

has been registered and certified in accordance with this chapter.

- (9) "Repair of motor vehicles" means all maintenance of and repairs to motor vehicles, but excluding repairing tires, changing tires, lubricating vehicles, installing light bulbs, batteries, windshield wiper blades, and other minor accessories, cleaning, adjusting, and replacing spark plugs, replacing fan belts, oil, and air filters, and other minor services, which the board by rule determines may be performed by persons without the skills and knowledge required of motor vehicle mechanics and apprentices. No service shall be designated as minor, for purposes of this section, if the board finds that performance of the service requires mechanical expertise, has given rise to a high incidence of fraud or deceptive practices, or involves a part of the vehicle essential to its safe operation.

**Sec. -2 Applicability of chapter.** This chapter does not apply to:

- (1) Employees of the county, state, or federal governments; or
- (2) Employees of a commercial or business enterprise who engage in the repair of motor vehicles which are owned, maintained and operated exclusively by such commercial or business enterprise and which are not leased or rented to others;

provided that such employees may voluntarily register pursuant to the provisions of this chapter.

**Sec. -3 Motor vehicle repair industry board.** There shall be within the department of regulatory agencies for administrative purposes a motor vehicle repair industry board of seven members appointed by the governor in the manner prescribed in section 26-34. Three members of the board shall be persons connected with the motor vehicle repair industry and at least two of such members shall be motor vehicle mechanics registered under this chapter except that those motor vehicle mechanics first appointed to the board need not be registered but shall be persons who would qualify for registration under this chapter. The remaining four members shall not be connected with the motor vehicle repair industry. The board shall elect one of its members chairman. No member of the board shall receive any compensation for his services, but each shall be reimbursed for necessary expenses incurred in the performance of his duties.

**Sec. -4 Powers and duties of the board.** In addition to other powers and duties established by this chapter, the board shall, in accordance with this chapter and chapter 91:

- (1) Establish such qualifications for the registration of motor vehicle repair dealers and motor vehicle mechanics as may be necessary for the welfare of the public and the motor vehicle repair industry, provided that no person shall be registered as a motor vehicle mechanic without first receiving certification as provided by this chapter.
- (2) Inquire into the practices and policies of the motor vehicle repair industry and make such rules with respect to such practices and policies as may be deemed important and necessary by the board for the welfare of the public and the motor vehicle repair industry.
- (3) Contract and cooperate with the state director of vocational educa-

tion in developing and administering the certification program provided for in this chapter.

- (4) Make, amend, and repeal such rules not inconsistent with this chapter, as the board deems appropriate for effectuating the purpose of this chapter and to insure the welfare of the public.
- (5) Enforce this chapter and rules adopted pursuant thereto.

**Sec. -5 Executive secretary; other personnel.** (a) Subject to chapters 76 and 77 the director of the department of regulatory agencies may employ and remove such administrative, clerical, investigative, and auditing personnel as the board may require and as may be necessary to carry out this chapter. The department may prescribe the powers and duties of such personnel.

- (b) (1) The department shall employ an executive secretary of the board whose position shall be subject to chapters 76 and 77. The executive secretary shall be employed with due regard to his fitness, thorough administrative ability and knowledge of and experience in the repair of motor vehicles.
- (2) The executive secretary shall, under the supervision of the board, administer this chapter and the rules and orders established thereunder and perform such other duties as the board or this chapter may require; he shall attend but not vote at all meetings of the board; he shall be in charge of the offices of the board and responsible to the board for the preparation of reports and the collection and dissemination of data and other public information relating to the motor vehicle repair industry.
- (3) The board may, by written order filed in its office, delegate to the executive secretary such of its powers or duties as it deems reasonable and proper for the effective administration of this chapter, except the power to make rules. The delegated powers and duties shall be exercised by the executive secretary in the name of the board.

**Sec. -6 Collection of evidence, complaints, spot checks.** The board shall on its own initiative or in response to complaints, investigate on a continuous basis and gather evidence of violations of this chapter and of any rule adopted pursuant to this chapter, by any motor vehicle repair dealer, mechanic, or apprentice, whether registered or not.

**Sec. -7 Registration required.** On or after January 1, 1976, it shall be unlawful for any person to engage in the repair of motor vehicles for compensation without registering as a motor vehicle repair dealer or motor vehicle mechanic in accordance with this chapter.

**Sec. -8 Powers to classify and limit registration.** (a) The board shall adopt rules necessary to effect the classification of motor vehicle mechanics in a manner consistent with the certification program established by this chapter, and shall limit the motor vehicle repair activities of a registrant to those areas for which the registrant is certified or registered.

(b) An applicant may make application for registration in more than one classification if he is certified for each classification and otherwise meets the qualification for registration as prescribed by the board. If the applicant

is registered for more than one classification, he shall pay the registration fee but shall not be required to pay any additional registration fee.

**Sec. -9 Fees; biennial renewals.** (a) The fees for each original biennial registration and renewal thereof shall be as follows:

Motor vehicle repair dealer . . . . .	\$50
Motor vehicle mechanic . . . . .	\$20

(b) Any motor vehicle repair dealer maintaining more than one motor vehicle repair facility shall separately register each repair facility and pay a fee for each facility.

(c) The renewal fee shall be paid to the board on or before June 30 of each odd-numbered year. Failure, neglect, or refusal of any registrant to pay the biennial renewal fee before such date shall constitute a forfeiture of his registration. Any such registration may be restored upon written application therefor within one year from such date and the payment of the required fee plus an amount equal to fifty per cent thereof.

**Sec. -10 Certified repair dealer.** A dealer is a registered and certified motor vehicle repair dealer if not less than fifty per cent of the mechanics employed by him on a full time basis are registered-certified mechanics.

**Sec. -11 Prohibited practices.** The following acts or omissions related to the repair of motor vehicles shall be grounds for invoking the enforcement procedures of section 11:

- (1) Making or authorizing in any manner or by any means whatever any statement written or oral which is untrue or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading;
- (2) Causing or allowing a customer to sign any work order which does not state the repairs requested by the customer or the automobile's odometer reading at the time of repair;
- (3) Failing or refusing to give to a customer a copy of any document requiring his signature, as soon as the customer signs such document;
- (4) Any other conduct which constitutes fraud;
- (5) Conduct constituting gross negligence;
- (6) Failure to comply with this chapter or regulations adopted pursuant to it;
- (7) Any wilful departure from or disregard of accepted trade standards for good and workmanlike repair in any material respect without consent of the customer;
- (8) Making false promises of a character likely to influence, persuade, or induce a customer to authorize the repair, service, or maintenance of a motor vehicle;
- (9) Having repair work subcontracted without the knowledge or consent of the customer unless the motor vehicle repair dealer, mechanic, or apprentice demonstrates that the customer could not reasonably have been notified;
- (10) Conducting the business of motor vehicle repair in a place other than stated on the registration except that mobile repair facilities

may be permitted if the registration so indicates.

**Sec. -12 Enforcement.** (a) In accordance with the provisions of chapter 91, the board may fine, suspend, revoke, or refuse to renew the registration of a motor vehicle repair dealer or mechanic for any violation of this chapter or rules adopted pursuant thereto. The board may also order restitution as provided in subsection (c).

- (b) Any fine that is imposed shall be based on the following schedule:
 

First offense.....	\$75
Second offense .....	\$150
Subsequent offenses .....	\$300 to \$1,000

(c) In lieu of or in addition to the fine imposed under this section, the board may require the motor vehicle repair dealer or mechanic to make restitution to the customer. Restitution may be imposed in lieu of a fine even though the amount may exceed the fine schedule set forth in subsection (b).

(d) If a motor vehicle repair dealer operates more than one motor vehicle repair facility in this State, the board pursuant to subsection (a) may only revoke, suspend, or refuse to renew the registration of the specific motor vehicle repair facility which has violated this chapter. Such violation, or such action by the board, shall not affect in any manner the right of such motor vehicle repair dealer to operate his other motor vehicle repair facilities; provided that the board may suspend, revoke, or refuse to renew the registration for all motor vehicle repair facilities operated in this State by a motor vehicle repair dealer upon a finding that such motor vehicle repair dealer has, or is, engaged in a course of repeated and wilful violations of this chapter, or rules adopted pursuant thereto.

(e) The expiration of a valid registration shall not deprive the board of jurisdiction to proceed with any investigation or disciplinary proceeding against a motor vehicle repair dealer or mechanic or to render a decision suspending, revoking, or refusing to renew a registration.

**Sec. -13 Invoices; supplying used parts; customer's copy.** All work done by a motor vehicle repair dealer, mechanic, or apprentice, including all warranty work, shall be recorded on an invoice and shall describe all service work done and parts supplied. Service work and parts shall be listed separately on the invoice, which shall also state separately the subtotal prices for service work and for parts, not including the general excise tax, and shall state separately the tax, if any, applicable to parts and service work. If any used, rebuilt, or reconditioned parts are supplied, the invoice shall clearly state that fact. If a part of a component system is composed of new and used, rebuilt, or reconditioned parts, the invoice shall clearly state that fact. One copy shall be given to the customer and one copy shall be retained by the motor vehicle repair dealer.

**Sec. -14 Return of replaced parts; exceptions.** Upon request of the customer at the time the work order is taken, the motor vehicle repair dealer, mechanic, or apprentice shall return replaced parts to the customer at the time of the completion of the work excepting such parts as may be exempt because of size, weight, or other similar factors from this requirement by rule of the board and excepting such parts as the motor vehicle repair dealer,



mechanic, or apprentice is required to return to the manufacturer or distributor under a warranty arrangement. If the parts must be returned to the manufacturer or distributor, the dealer, mechanic, or apprentice at the time the work order is taken shall offer to show, and upon acceptance of the offer, shall show the parts to the customer upon completion of the work, except that the dealer shall not be required to show a replaced part when no charge is being made for the replacement part.

**Sec. -15 Estimate for labor and parts.** The motor vehicle repair dealer, mechanic, or apprentice shall give the customer a written estimated price for labor and parts necessary for a specific job prior to commencement of the job. No charge in excess of fifteen per cent of the estimated price, if the estimated price is less than \$100, or ten per cent of the estimated price, if the estimated price is in excess of \$100, shall be charged for parts and labor supplied in excess of the estimated price, without the prior written or oral consent of the customer. Such consent shall be obtained at some time after it is determined that the estimated price is insufficient and before the labor not estimated is performed or the parts not estimated are supplied. This provision may be waived in writing by the customer, provided that such waiver by its terms shall be effective only after the dealer or mechanic has made reasonable efforts to contact the customer. The form and content of the waiver shall be as prescribed by rule of the board. Nothing in this section shall be construed as requiring a motor vehicle repair dealer, mechanic, or apprentice to give a written estimated price if the dealer, mechanic, or apprentice does not agree to perform the requested service. A reasonable fee may be charged for making the estimate.

**Sec. -16 Records required; inspection.** Each motor vehicle repair dealer shall maintain such records as are required by rules adopted by the board. The records shall be open for reasonable inspection by the board or other law enforcement officials. All such records shall be maintained for at least two years.

**Sec. -17 Sign required concerning board; notice to customer.** The board shall design and approve of a sign which shall be placed in all motor vehicle repair dealer locations in a place and manner conspicuous to the public. Such sign shall give notice that inquiries concerning service may be made to the board and shall contain the telephone number of the board. The sign shall also give notice that the customer is entitled to a return of replaced parts upon his request therefor at the time the work order is taken.

**Sec. -18 Procedures for accepting complaint.** The board shall establish procedures for accepting complaints from the public against any registrant in accordance with the provisions of section 92-13.

**Sec. -19 Jurisdiction of circuit court; procedure.** The circuit court of the judicial circuit in which any person carries on, or attempts to carry on, business as a motor vehicle repair dealer or acts or holds himself out as a motor vehicle mechanic or motor vehicle mechanic apprentice in violation of this chapter, or any rule made pursuant to this chapter, shall on application of the board, issue an injunction or other appropriate order restraining such conduct.

The proceedings under this section shall be governed by the Hawaii Rules of Civil Procedure, except that no undertaking shall be required, and the board shall not be required to allege facts necessary to show or tending to show lack of an adequate remedy at law or irreparable injury.

**Sec. -20 Registration condition precedent to lien.** No person required to register under this chapter shall have the benefit of any lien for labor or materials or the right to sue on a contract for motor vehicle repairs done by him unless he was registered at the time he performed the contract.

**Sec. -21 Civil action.** Nothing in this chapter shall prohibit the bringing of a civil action against a motor vehicle repair dealer, mechanic, or apprentice by an individual.

**Sec. -22 Failure to comply with chapter; misdemeanor.** Any person who fails to comply with the provisions of this chapter is guilty of a misdemeanor.

**Sec. -23 Certification program.** (a) The board shall contract with the office of the state director of vocational education to develop and administer a certification program for motor vehicle mechanics.

(b) The certification program shall provide for issuing a certificate to mechanics generally skilled in the repair of motor vehicles and to mechanics who specialize in certain areas of motor vehicle repair. A person may be certified as being generally skilled in the repair of motor vehicles, specially skilled in one or more areas of motor vehicle repair, or both generally and specially skilled. Each area shall be separately tested and certified. The program shall provide for apprenticeship leading to certification as a mechanic. Nothing in this section or chapter shall prevent a student in a course leading to certification from repairing motor vehicles so long as the student is supervised by a mechanic.

(c) The certification test shall include both a written test and a performance test; provided that the written test shall be given orally upon the request of the person being tested. Each application for certification shall be accompanied by a non-refundable testing fee of \$10.

(d) The certification program shall be implemented prior to January 1, 1977. There shall be no limit on the number of times a person may apply for certification; provided that any person failing the examination must wait thirty days before retaking the test.

(e) All persons who take and pass the certification test shall be awarded a certificate which shall be posted in a prominent place at their place of business or employment and a patch which may be worn on clothing apparel. The office of the director of vocational education shall design and procure the certificate and patch.

**Sec. -24 Certification required for mechanics prior to registration.** (a) Except as provided in subsection (b) below, every mechanic applying for registration shall have passed the appropriate certification test provided for in this chapter.

(b) Notwithstanding any provision of this chapter, any person who has been engaged as a motor vehicle mechanic for a period of at least two years prior to January 1, 1976, and who has applied for registration as a motor ve-

hicle mechanic under this chapter on or before June 30, 1976, shall not be required to take the certification test prescribed in this chapter prior to registration.

**Sec. -25 Suits by the office of consumer protection.** Nothing in this chapter shall prevent the director of the office of consumer protection from filing an action against any motor vehicle repair dealer, mechanic, or apprentice for violation of section 480-2."

SECTION 3. This Act shall take effect upon its approval.

(Approved May 27, 1975.)

## ACT 144

S.B. NO. 608

A Bill for an Act Relating to Firearms and Ammunition.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. **Purpose.** Inexpensive "Saturday night special" hand guns can be purchased by anyone by mail. This bill is introduced to prevent this practice.

SECTION 2. Chapter 134, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**"Sec. 134- Restriction of materials for manufacture of pistols or revolvers.** It shall be unlawful for any person, including a licensed manufacturer, licensed importer or licensed dealer, to possess, sell or deliver any pistol or revolver which is not duly registered pursuant to section 134-2 prior to July 1, 1975, if the frame or receiver thereof is a die casting of zinc alloy or any other material which has a melting temperature of less than 800 degrees Fahrenheit.

Any person who violates this section shall be guilty of a misdemeanor.

This section shall not apply to any pistol or revolver duly registered prior to July 1, 1975, pursuant to section 134-2, or to any antique pistol or revolver.

The term antique pistol or revolver means any pistol manufactured in or before 1898 and any replica of such pistols or revolvers if such replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade."

SECTION 3. New statutory material is underscored. In printing this Act, the revisor of statutes need not include the underscoring.\*

SECTION 4. This Act shall take effect upon its approval.

(Approved May 27, 1975.)

\*Edited accordingly.

A Bill for an Act Relating to Public Assistance.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 436, Hawaii Revised Statutes, is amended as follows:

1. Section 346-1 is amended to read:

**“Sec. 346-1 Definitions.** Unless the context clearly requires a different meaning, when used in this chapter:

“Department” means the department of social services and housing.

“Director” means the director of social services.

“Public assistance” means money payments to or for the benefit of persons whom the department has determined to be without sufficient means of support to maintain a standard consistent with this chapter, payments to or on behalf of such persons for medical care, and social service payments as described under the Social Security Act.

“Child welfare services” means and includes all services necessary for the protection and care of neglected children and children in danger of becoming delinquent, and all services necessary for the adoption of children.

“Applicant” means the person for whose use and benefit application for services or public assistance is made.

“Recipient” means the person for whose use and benefit services are rendered or a grant of public assistance is made.

“Neglected child” means any minor who for any reason is homeless or abandoned or who is receiving inadequate parental care or guardianship, or whose home, by reason of cruelty, neglect, or depravity on the part of his parents, guardian, or other person in whose care he may be, is an unfit place for the child.

“Medical care” means all kinds of medical care, psychiatric care, dental care, and maternity care, including surgical care, hospital care, eye care (which includes optical appliances), materials, supplies, and all other appliances used in the care, treatment and rehabilitation of patients, and hospitalization.

“Basic needs allowance” means a single monthly public assistance grant, including funds received from the federal government, expressed in a dollar amount per recipient or per recipient family to be provided a recipient or recipient family for all usual recurring living expenses excluding housing, utilities, and medical care.

“Shelter allowance” means a single monthly public assistance grant, including funds received from the federal government, expressed in a dollar amount per recipient or per recipient family to be provided a recipient or recipient family for all usual recurring shelter expenses including rent or mortgage payments and utilities.

“Money payments” means public assistance except for payments for medical care, including funds received from the federal government.

“Medical assistance” means payment for medical care, including funds

received from the federal government.”

2. Section 346-29 is amended to read:

**“Sec. 346-29 Applications for public assistance; manner, form, conditions.** Applications for public assistance under this chapter shall be made by the applicant, or by someone acting in the applicant’s behalf, in the manner, place, and form prescribed by the department.

No applicant shall be entitled to public assistance under this chapter who has sufficient income or other resources to provide a standard above that provided in this chapter, or who is an inmate of any public institution as long as the Social Security Act precludes the use of federal funds to provide public assistance to an inmate of such an institution, but an inmate of such institution mentioned in this section may apply for assistance to begin after his discharge from the institution. In determining the needs of an applicant or recipient for public assistance by the department, the department:

- (1) Shall disregard such amounts of earned or unearned income and resources as required by the Social Security Act or other federal acts, to receive federal matching funds and may disregard such additional amounts as these acts permit, now or in the future, to be disregarded.
- (2) Shall consider only such net income as is actually available for current use on a regular basis, and only current available resources will be considered, provided that the cash surrender value of life insurance policies owned by persons included in an application shall be treated as liquid assets.
- (3) Shall disregard a total in liquid assets equal to maximum possible money payments by family size multiplied by a factor of 1.5 and rounded to the nearest \$5.00 in determining the needs of persons for money payments; provided that this provision shall not apply to persons eligible for federal supplemental security income benefits. In determining the needs of such persons, the department shall apply the eligibility requirements under the federal supplemental security income program.
- (4) Shall disregard a total of at least \$1,500 in liquid assets in determining the needs of a single person for medical assistance only.
- (5) Shall disregard a total of at least \$2,250 in liquid assets in determining the needs of a family of two persons for medical assistance only and an additional \$250 for each additional person included in an application for medical assistance only.”

3. Part II is repealed and a new part is added to be appropriately designated and to read:

**“PART II. SPECIFIC PROVISIONS COVERING PUBLIC ASSISTANCE AND CHILD WELFARE SERVICES**

**Sec. 346- Public assistance and child welfare services administered by the department.** The department of social services and housing shall administer public assistance and child welfare services in the several counties except for payments administered under the Federal Supplemental Security Income Program or its successor agency. No person shall be denied the right to peti-

tion the department for additional assistance as established under section 346- (g).

**Sec. 346- Aged, blind, and permanently and totally disabled persons; eligibility for assistance.** A person shall be eligible for public assistance who meets the requirements established by the Federal Supplemental Security Income Program or its successor agency, provided he is also determined needy in accordance with state standards.

**Sec. 346- Determination of amount of assistance.** (a) The director shall adopt rules pursuant to chapter 91 concerning the determination of public assistance grants under this chapter. Public assistance grants shall be sufficient to maintain a standard consistent with this chapter. In granting public assistance to a person under this chapter the department may take into account part or all of the needs of the person's dependents or those persons essential to his well being, provided that they are also eligible for public assistance. In the event that a public assistance grant to a recipient has taken into consideration only part of the needs of other eligible persons this public assistance grant shall be without prejudice to a separate public assistance grant to such other eligible persons or any of them, as may be proper to meet their remaining needs and in compliance with this chapter.

(b) The maximum basic needs allowance which the department shall initially pay a recipient considering income and resources in accordance with this chapter shall be \$100 plus an additional \$44 for each additional person whose needs have been taken into account by the department. Once each year, beginning July 1, 1976, the director shall increase the maximum basic needs allowance which the department may pay a recipient, by a percentage equal to the annual percentage increase in the average weekly wage in covered employment, as computed by the director of labor and industrial relations pursuant to section 383-22. The department shall pay a recipient the maximum basic needs allowance if the department determines that his needs are not reduced by his income or resources.

(c) If a child is eligible for public assistance under section 346- , and if the child lives in a home or a place of residence maintained as a home by a relative specified under section 346- , and if such a relative does not receive public assistance as a person essential to the child's well being, then the department shall pay in behalf of each child the maximum basic needs allowance as prescribed in this chapter but not to include shelter allowance.

(d) The director shall pursuant to chapter 91 determine the rate of payment for the different levels of domiciliary care provided to recipients eligible for Federal Supplemental Security Income or public assistance in accordance with state standards. For recipients and applicants, the shelter allowance (to include rent and utilities) shall be for cost paid, up to the maximum as provided in the following schedule:

- (1) \$175 for 1 person;
- (2) \$215 for 2 persons;
- (3) \$240 for 3 persons;
- (4) \$265 for 4 persons;
- (5) \$290 for 5 persons;

- (6) \$320 for 6 persons;
- (7) \$360 for 7 or more persons.

(e) The department shall establish rules pursuant to chapter 91 for supplemental payments under the Federal Supplemental Security Income Program or its successor agency, such that a recipient's payments and benefits do not exceed the total of the maximum basic needs allowance and shelter allowance as provided by this chapter; provided that if a recipient sharing housing with a person receiving a shelter allowance from the department could qualify as an essential person to or dependent of such person, then the recipient shall be considered to live in free shelter. A recipient renting private housing or purchasing the home he lives in shall receive a shelter allowance for cost paid, up to the maximum established in subsection (d).

(f) The department shall pay rental and utility (to include gas, electricity, and water only) deposits once only for any person eligible for money payments by the department. However, under extraordinary circumstances as determined by the department, an additional rental and/or utility deposit may be granted.

(g) Any recipient may petition the department for additional assistance when his need is due to emergencies caused by seismic wave, tsunami, hurricane, volcanic eruption, typhoon, earthquake, flood or fire determined by the director to have caused losses as to require and justify additional assistance from the State. In addition any recipient may petition the department for additional assistance for the replacement or repair of household appliances. Such additional assistance shall be paid on an emergency basis, as determined by the department, to meet the cost of replacing or repairing household appliances. If the cost of repairs of household appliances is less than one-half the unit cost of the item, the department shall pay for the cost of repairs. If the cost of repairs of household appliances is more than one-half the unit cost of the item, the department shall replace the household appliance; provided the replacement cost shall not exceed \$350. For purposes of this subsection "household appliances" means a refrigerator or a range.

The department shall establish an emergency fund, not to exceed one per cent of total money payments from state funds required by this chapter in the previous fiscal year. The director shall adopt rules pursuant to chapter 91 for determining in which cases to grant lump sum payments to recipients petitioning for additional assistance.

**Sec. 346- Report on level of assistance.** On or before January 1 of odd numbered years the director shall submit a report to the legislature concerning the adequacy of the basic needs allowance and shelter allowance established by this chapter.

**Sec. 346- Children.** A child shall be eligible for public assistance who:

- (1) Is in need, and has not sufficient income or other resources to provide health care and support to maintain a standard consistent with this chapter.
- (2) Has not attained the age of eighteen years or twenty one years if regularly attending school.
- (3) Is deprived of parental support or suitable care by reason of the

death, continued absence from home, physical or mental incapacity, unemployment, or cruelty, neglect, or depravity on the part of the parent;

- (4) Is living in a home with his father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, uncle, aunt, first cousin, nephew, or niece in a place of residence maintained by such a relative as his own home; or is living in a family home or institution conforming to the standards fixed by the department of social services and housing.

**Sec. 346- State reimbursement.** The department of social services and housing shall comply with all federal requirements pertaining to methods and standards of administration and shall make such rules and regulations and follow such procedures as may be required for the receipt from the federal government of grants or grants-in-aid for public assistance and such administrative costs as are provided in connection therewith.

**Sec. 346- Loans to applicants for federal supplemental security income.** Notwithstanding any laws to the contrary, the department of social services and housing may, out of its operating funds, make loans to any person eligible for public assistance as provided in this chapter who is an applicant for benefits under the Federal Supplemental Security Income Program or its successor agency subject to the following conditions:

- (1) The Federal Bureau of Supplemental Security Income has denied applicant's request for advance payment or finding of presumptive eligibility for supplemental security income;
- (2) The loan or loans shall be for a period not to exceed the action of the Federal Bureau of Supplemental Security Income approving or disapproving assistance under its program;
- (3) The loan or loans shall bear no interest;
- (4) The loan or loans shall not exceed the amount of assistance otherwise available to the applicant under this chapter;
- (5) The loan or loans shall be repaid by the applicant out of the retroactive supplemental security income payments, provided that nothing herein shall restrict the federal government from making direct payments to the State for such loan or loans, and provided further that the loan or loans shall be discharged and no repayment shall be required from an applicant whose application for federal supplemental security income assistance has been disapproved.
- (6) The applicant shall not be eligible for money payments by the department, provided that he shall become eligible for such assistance upon disapproval of the application for federal supplemental security income assistance."

SECTION 2. Section 346-73, Hawaii Revised Statutes, is repealed.

SECTION 3. Section 359-123, Hawaii Revised Statutes, is amended to read:

**"Sec. 359-123 Qualified tenant defined.** As used in this part, the term "qualified tenant" does not include persons determined to be eligible for aid



through the Federal Supplemental Security Income Program or its successor agency or persons receiving money payments for public assistance from the department of social services and housing. Otherwise, "qualified tenant" means (1) any single person who has attained the age of 62 or who is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment, and (2) any family; provided such single person or family has, pursuant to criteria and procedures established by the Hawaii housing authority, been determined to have an income which would qualify the tenant for occupancy in housing provided by section 221(d)(3) of the National Housing Act or to have a lesser income. The terms "qualified tenant" and "tenant" include a member of a cooperative who satisfies the foregoing requirements and who, upon resale of his membership to the cooperative, will not be reimbursed for more than 50 per cent of any equity increment accumulated through payments under this part. With respect to members of a cooperative, the terms "rental" and "rental charges" mean the charges under the occupancy agreements between such members and the cooperative."

SECTION 4. It is the intent of this Act not to jeopardize the receipt of any federal funds. The director may, by rule pursuant to chapter 91, modify the strict provisions of this Act for the purpose of, and only to the extent necessary for, qualifying for federal funds. The director shall report all such rules to the Legislature not less than twenty days prior to the first day of the regular session, and all such rules shall expire one year from the date of enactment.

SECTION 5. A person who is a recipient when this Act takes effect, and whose shelter expenses exceed the maximum shelter allowance which this Act allows, shall not have his public assistance grant reduced for six months, unless his shelter expenses decrease, or his income or resources increase. His public assistance grant shall not increase because his shelter expenses increase as long as his shelter expenses exceed the maximum shelter allowance which this Act allows him. The director of the department of social services and housing shall adopt rules pursuant to chapter 91 for determining whether to grant extensions to the six months to a recipient whose shelter expenses still exceed the maximum shelter allowance which this Act allows him. The director shall not grant more than a total of six months of such extensions to a recipient.

SECTION 6. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 7. This Act shall take effect on July 1, 1975.

(Approved May 27, 1975.)

\*Edited accordingly.

A Bill for an Act Relating to Campaign Contributions and Expenditures.

*Be it Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Subpart B, Election Campaign Contributions and Expenditures, of chapter 11, part XII, Hawaii Revised Statutes, is amended in the following respects:

(a) Section 11-191, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 11-191 Definitions.** When used in this subpart:

(1) “Advertisement” means:

(A) Any communication exclusive of bumper stickers or other sundry items paid for by or on behalf of a candidate which identifies a candidate directly or by implication or which advocates or supports the nomination for election, or election, of the candidate or advocates or supports his defeat; and

(B) Any communication exclusive of bumper stickers or other sundry items paid for by or on behalf of a committee which identifies an issue or question which appears or is reasonably certain to appear on the ballot at the next applicable election or which advocates or supports the passage or defeat of the question or issue.

(2) “Campaign treasurer” means a person appointed under section 11-198, and, unless expressly indicated otherwise, includes deputy campaign treasurers.

(3) “Candidate” means an individual who seeks nomination for election, or election, to office. An individual is a candidate if he does any of the following:

(A) Files nomination papers for an office for himself with the county clerk’s office or with the chief election officer’s office, whichever is applicable; or

(B) Receives contributions in an aggregate amount of more than \$100, or makes or incurs any expenditure to bring about his nomination for election, or election, to office provided that in no event shall a person be deemed a candidate by reason of the provisions set forth in subparagraphs (B) and (C) of this paragraph prior to January 1 of the year that person runs for election; or

(C) Gives his consent for any other person to receive contributions or make expenditures to aid his nomination for election, or election, to office.

(4) “Commission” means the campaign spending commission.

(5) “Committee” means:

(A) Any person who accepts a contribution or makes an expenditure for or against any candidate, person seeking nomination for election, or election, to office, or party, with or without the authorization of the candidate, person, or party, or who accepts a con-

- tribution or makes an expenditure for or against any question or issue which appears or is reasonably certain to appear on the ballot at the next applicable election;
- (B) Any person who raises or holds money or anything of value and who subsequently contributes the money or thing of value to, or makes expenditures in behalf of a candidate, person, or party; provided that the term "committee" shall not include any person making a contribution or expenditure of his own funds or thing of value, which he originally acquired for his own use and not for the purpose of evading any provision of this subpart;
- (6) "Contribution" means:
- (A) A gift, subscription, loan, advance, deposit of money or anything of value, or cancellation of a debt or legal obligation and includes the purchase of tickets to testimonial or fund raising affairs, for the purpose of:
- (i) Influencing the nomination for election, or election, of any person to office; or
  - (ii) Influencing the outcome of any question or issue which appears or is reasonably certain to appear on the ballot at the next applicable election; or
  - (iii) Use by any party for the purposes set out in clause (i) or (ii) above;
- (B) The payment, by any person other than a candidate or committee, of compensation for the personal services of another person which are rendered to the candidate or committee without charge or at an unreasonably low charge; or
- (C) A contract, promise, or agreement to make a contribution; provided that notwithstanding subparagraphs (A), (B), and (C) of this paragraph, the term shall not include services or portions thereof voluntarily provided without reasonable compensation by individuals to or in behalf of a candidate or committee; or
- (D) Notwithstanding the above, a candidate's expenditure of his own funds in the pursuit of his campaign shall not be a contribution for the purpose of this subpart.
- (7) "Election" means any election for office or for determining a question or issue provided by law or ordinance.
- (8) "Expenditure" means:
- (A) Any purchase or transfer of money or anything of value, or promise or agreement to purchase or transfer money or anything of value, or payment incurred or made, or the use or consumption of a non-monetary contribution for the purpose of:
- (i) Influencing the nomination for election, or election, of any person seeking nomination for election, or election, to office whether or not the person has filed his nomination papers; or
  - (ii) Influencing the outcome of any question or issue which appears or is reasonably certain to appear on the ballot at the

- next applicable election; or
- (iii) Use by any party for the purposes set out in clause (i) or (ii) above;
  - (B) The payment, by any person other than a candidate or committee, of compensation for the personal services of another person which are rendered to the candidate or committee for any of the purposes mentioned in clause (i), (ii), or (iii) of this paragraph; or
  - (C) The expenditure by a candidate of his own funds for the purposes set out in clauses (i), (ii), and (iii) above.
- (9) "House bulletin" means a communication sponsored by any person in the regular course of publication for limited distribution primarily to its employees or members.
  - (10) "Newspaper" means a publication of general distribution in the State issued once or more per month which is written and published in the State.
  - (11) "Office" means any elective public or constitutional office excluding federal elective offices.
  - (12) "Person" means an individual, partnership, committee, association, corporation, or labor union and its auxiliary committees."
  - (b) Section 11-192, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 11-192 Campaign spending commission.** There is established a campaign spending commission, consisting of five members appointed by the governor as follows:

The judicial council shall select a panel of ten persons, consisting of five persons from the membership of each of the two political parties for which the greatest number of voters cast party ballots in the last preceding primary election. From this panel the governor shall appoint two members from each political party and a chairman. Any vacancies in the commission shall be filled by the governor with a member from the panel; provided the replacement member is from the same political party as the member being replaced; and provided further that the party is then one of the two political parties as determined above; otherwise, the replacement member shall be from one of the two parties not represented on the commission.

The judicial council shall meet and expeditiously select additional persons for the panel whenever the number of the eligible panel members falls below five, or whenever a political party, being one of the two parties for which the greatest number of voters cast party ballots in the last primary election, is not represented. In either event, the judicial council shall select additional panel members so that there will be five from each of the two parties. A person shall no longer remain eligible to be on the panel when he is not from one of the two parties for which the greater number of voters cast party ballots in the last preceding primary election. The requirement of being from the same party is not applicable to the replacement chairman.

Notwithstanding section 26-34, these appointments shall not be subject to senatorial confirmation. The term of the members shall be four years, ex-

cept that the terms of the initial members shall be two years for two members, three years for two other members, and four years for the chairman.

The members of the commission shall serve without compensation but they shall be reimbursed for reasonable expenses, including travel expenses, incurred in the discharge of their duties. For administrative purposes the commission shall be in the office of the lieutenant governor."

(c) Section 11-193, Hawaii Revised Statutes, is repealed.

(d) Section 11-194, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 11-194 Duties of the chief election officer; commission.**

(a) The chief election officer's principal duty is to regulate the election process, and under this subpart his duties are:

- (1) To develop and adopt reporting forms required by this subpart;
- (2) To adopt and publish a manual for all candidates and committees, describing the requirements of this subpart B, including uniform and simple methods of recordkeeping;
- (3) To preserve all reports required by this subpart for at least five years from the date of receipt;
- (4) To permit the inspection, copying, or duplicating of any report required by this subpart pursuant to rules adopted by the commission; provided that no information or copies from the reports shall be sold or used by any person for the purpose of soliciting contributions or for any commercial purpose.

(b) The commission's principal duty is to supervise campaign contributions and expenditures, and under this subpart its duties are:

- (1) To ascertain whether any candidate, committee, or party has failed to file a report required by this subpart or has filed a substantially defective or deficient report, and to notify the persons that their failure to file or filing of a substantially defective or deficient report must be corrected and explained, the correction or explanation to be submitted in writing to the commission within a reasonable time after the notification of the failure to file or deficiency. The commission shall make available a list of candidates, committees, and parties who have failed to correct their deficiency within the time allowed by the commission. Failure to respond to the notification shall constitute a violation of this subpart.
- (2) To hold public hearings;
- (3) To investigate and hold hearings for receiving evidence of any violations;
- (4) To adopt a code of fair campaign practices;
- (5) To establish rules pursuant to chapter 91;
- (6) To request the initiation of prosecution for the violation of this subpart pursuant to section 11-213;
- (7) To suggest accounting methods for candidates, parties, and committees, as the commission may deem advisable, in connection with reports and records required by this subpart; and
- (8) To employ or contract, without regard to chapters 76 and 77, and, at

pleasure, to dismiss persons it finds necessary for the performance of its functions and to fix their compensation.”

(e) Section 11-195, Hawaii Revised Statutes, is repealed.

(f) Section 11-196, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 11-195 Filing of reports, generally.** (a) All reports required to be filed under this subpart by a candidate or committees supporting a candidate with his consent shall be certified by the candidate. All reports required to be filed under this subpart by a party or committee which supports more than one candidate shall be certified by the party or committee treasurer, or the deputy treasurer, or the chairman thereof, in that order. All reports required to be filed shall be open for public inspection.

(b) All reports required by this subpart shall be filed as follows:

The original and one copy shall be filed at the commission office. In the case of counties having less than 100,000 voters, the filing shall be accomplished by filing an original and two copies of the required report with the clerk of the county in which the candidate resides. The clerk shall then immediately mail the necessary copies to the commission by certified mail.

(c) The commission or county clerk shall give each person filing a report a receipt showing the type of report and date and time of filing.

(d) The reports filed with the county clerk’s office shall be preserved by that office for five years.

(e) All reports required to be filed shall at all times be available to the chief election officer.”

(g) Subpart B of chapter 11, part XII, Hawaii Revised Statutes, is amended by adding a new section to be designated and to read as follows:

“**Sec. 11-196 Registration.** Each candidate, committee, and party shall file an organizational report not later than 4:30 p.m. on the earliest of the following applicable days:

- (1) On or before the day of filing for nomination or election;
- (2) At least forty-five days before the primary or special primary election;
- (3) At least forty-five days before the general, special general, or special election; or
- (4) By the tenth day after:
  - (A) Receiving any contributions in an aggregate amount of more than \$100 or
  - (B) Making or incurring any expenditure which is reportable under section 11-207 or 11-208.”

(h) Section 11-197, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 11-197 Organizational reports.** (a) The organizational report shall include:

- (1) The name, address, office sought when known, and party affiliation of each candidate or individual whom the committee or party is supporting and the name and address of the committee or party;
- (2) The names and addresses of the campaign treasurer and deputies;

- (3) The names and addresses of the campaign chairman and deputy campaign chairman;
  - (4) A list of all banks, safety deposit boxes, or other depositories used and the applicable account number;
  - (5) The amount and date of deposit of the contribution and the name and address of each individual donor who has contributed an aggregate amount of more than \$100 since the last election applicable to the office being sought or in which the issue or question was on the ballot; provided that this paragraph shall not apply to contributions made prior to January 1, 1974; and
  - (6) In the case of a report by a committee or party supporting or opposing a ballot question or issue, all of the information described in paragraphs (2) to (5) and a description of the question or issue.
- (b) Any change in information submitted in the organizational report, other than paragraph (5) above, shall be reported not later than 4:30 p.m. on the tenth calendar day after the change or when the candidate, committee, party, or campaign treasurer becomes aware of the change."

(i) Subpart B of chapter 11, part XII, Hawaii Revised Statutes, is amended by adding a new section to be designated and to read as follows:

**"Sec. 11-197.1 Designated central committee.** Each candidate for a statewide or county office who is supported by more than one committee shall designate a central committee which shall be responsible for aggregating the total contributions and expenditures of all committees directly associated with the candidate and for filing composite reports indicating this information on the dates set by sections 11-207 and 11-208."

(j) Section 11-198, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 11-198 Campaign treasurer.** (a) Every committee, party, and candidate shall appoint a campaign treasurer on or before the day for filing an organizational report. Up to five deputy campaign treasurers may be appointed. A candidate may appoint himself as campaign treasurer.

(b) A campaign treasurer may be removed at any time. In case of death, resignation, or removal of the campaign treasurer, the committee, party, or candidate shall promptly appoint a successor. During the period the office of campaign treasurer is vacant, the candidate, committee chairman, or party chairman, whichever is applicable, shall serve as campaign treasurer.

(c) Each campaign treasurer shall be authorized to receive contributions or make expenditures on behalf of the candidate, committee, or party appointing him."

(k) Section 11-199, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 11-199 Campaign contributions, generally.** (a) All monetary contributions shall be promptly deposited in a financial depository duly authorized to do business in the State of Hawaii, such as a bank, savings and loan institution, industrial loan company, or similar financial institution, in the name of the candidate, committee, or party, whichever is applicable.

(b) Each candidate, committee, or party shall establish and maintain an

itemized record showing the amount of each monetary contribution, the description and value of each non-monetary contribution, and the name and address of each donor making a contribution of more than \$10 in value.

(c) Each candidate and campaign treasurer shall report the amount and date of deposit of each contribution and the name and address of each donor who makes a contribution or contributions whose aggregate value is more than \$100.

(d) No candidate, committee, or party may accept a contribution of more than \$250 in cash from a single person without issuing a receipt to the donor and keeping a record of the transaction.

(e) Each committee and party shall disclose the original source of all earmarked funds, the ultimate recipient of the earmarked funds, and the fact that the funds are earmarked.

(f) For the purposes of this section, "earmarked funds" means contributions received by a committee or party on the condition that the funds be contributed to or expended only on certain candidates, issues, or questions."

(l) Section 11-200, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 11-200 Campaign contributions, restrictions against transfer. (a)**

A candidate, campaign treasurer, or committee shall not receive any contributions, make any expenditures, or receive or make any transfer of money or anything of value:

(1) For any purpose other than those directly related:

(A) In the case of the candidate, to his own campaign, or

(B) In the case of a campaign treasurer or committee, to the campaign of the candidate, question, or issue with which they are directly associated; or

(2) To support the campaigns of candidates other than the candidate, for whom the funds were collected or with whom the campaign treasurer or committee is directly associated; or

(3) To campaign against any other candidate not directly opposing the candidate for whom the funds were collected or with whom the campaign treasurer or committee is directly associated;

(4) Provided that a candidate, campaign treasurer, or committee may purchase from its campaign fund not more than two tickets for each testimonial or fund raising affair as defined in sections 11-203 and 11-203.1, respectively, of this subpart held by another candidate, committee, or party.

(b) This section shall not be construed to prohibit a party from supporting more than one candidate, or to prohibit joint expenditure by two or more candidates seeking election to multiple offices from the same district whether the expenditures are equally or unequally incurred among such candidates; provided that the allocation of expenditures between the candidates is based upon reasonable objective standards. The party or candidates, whichever is applicable, shall make the initial allocation between candidates. If the allocation is disallowed by the commission, and the allocation of expenditures is not corrected as prescribed by the commission within the time allowed by the com-



mission, then the amount of the allocation found to be unreasonable by the commission shall be presumed to be a transfer of funds in violation of this section.”

(m) Section 11-201, Hawaii Revised Statutes, is repealed.

(n) Section 11-202, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 11-202 Anonymous contributions; unlawful.** (a) No person shall make a contribution of his own money or property or money of another person to any candidate, party, or committee in connection with a nomination for election, or election, anonymously; nor shall any candidate, party, or committee knowingly receive, accept, or retain the contribution or enter or cause the same to be entered in its accounts as an anonymous contribution or in another name than that of the person by whom it was actually furnished.

(b) Any anonymous contribution received by a candidate, party, or committee shall not be used or expended, but shall be returned to the donor. If the donor cannot be identified, the contribution shall escheat to the State in the case of a state election and to the county in the case of a county election.

(c) This section shall not apply to amounts that aggregate less than \$250 when obtained through multiple contributions made by ten or more persons at the same event. Each such aggregate contribution shall be reported accompanied by a description of the means, method, place, and date of receipt.”

(o) Subpart B of chapter 11, part XII, Hawaii Revised Statutes, is amended by adding a new section to be designated and to read as follows:

**“Sec. 11-202.1 False name.** No person shall make a contribution of his own money or property or money or property of another person to any candidate, party, or committee in connection with a nomination for election, or election, in any other name than the name of the person owning the money or who supplied the money or property.

All contributions made in the name of a person other than the true or established name of the actual owner of the money or property shall escheat to the State in the case of a state election or to the county in the case of a county election.”

(p) Section 11-203, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 11-203 Testimonial affairs and coffee hours.** (a) As used in this section:

- (1) “Testimonial affair” means any function held for the benefit of a person and designed to raise funds for political purposes for which the total cost for attending the affair is more than \$15 per person; and
- (2) “Coffee hour” means any function held for the benefit of a person for a political purpose but not designed to raise funds for a political purpose and for which there is no charge for attending.

(b) No person or a committee directly associated with the person shall hold more than one testimonial affair until after an election in which that person was either elected or defeated unless that person seeks election to state-

wide office, in which case he or his directly associated committee may hold no more than one testimonial affair in each county. An additional testimonial affair may be held within six months after a general, special general, or special election, in the case of a candidate or committee directly associated with that person having a deficit. No testimonial affair may be held unless a notice of intent to hold the affair is filed by the person in charge of the affair with the commission prior to the date of the affair setting forth the name and address of the person in charge, the charge per person, the date, hour, and place of the affair and whether contributions will be solicited at the affair and method thereof. Testimonial affairs sponsored by a party for a political purpose for the general benefit of the party are exempt from the limits of this subsection.

(c) The following expenditures incident to a testimonial affair or coffee hour held during the times specified in section 11-206 shall not be considered expenditures within the limitations set by that section; provided that the portion of the expenditures exceeding \$25 for the office of state representative and \$50 for all other offices for each coffee hour shall not be exempt from the limitations of section 11-206:

- (1) The cost of food and beverages reasonably purchased or contributed for the affair;
  - (2) Rent and utilities for the premises where the affair is held;
  - (3) The cost of printing tickets and invitations for the affair;
  - (4) The cost of postage, envelopes, and mailing service for the invitations to the affair, replies to the invitations and tickets for the affair, provided that no political literature other than the invitations and tickets shall be included in the mail;
  - (5) The amount paid for guest speakers and entertainment; and
  - (6) The cost of plates, cups, napkins, eating utensils, decorations, catering services, leis, and other reasonable expenses actually expended and necessary for these affairs.
- (d) The number of functions held for the benefit of a person designed to raise funds for political purposes for which the total cost for attending the affair is \$15 or less per person shall not be limited except:
- (1) For statewide offices, no person may hold more than two such functions during the times specified in section 11-206 for which the expenditures listed in subsection (c) are exempt from the limitations set by section 11-206 in each county.
  - (2) For all other offices, a person may hold either two such functions or one testimonial affair in the district during the times specified in section 11-206 for which the expenditures listed in subsection (c) are exempt from the limitations set by section 11-206."

(g) Subpart B of chapter 11, part XII, Hawaii Revised Statutes, is amended by adding a new section to be designated and to read as follows:

**"Sec. 11-203.1 Cost of fund raising.** The cost of food or other items purchased or contributed for sale, such as a huli huli chicken sale, sweet bread sale, plant sale, or other similar type of fund raising activity as may be approved by the commission for the purpose of this section, by a candidate, committee, or party for a political fund raising purpose and the reasonable ex-

penses in connection with the sale, shall be considered reportable expenditures not chargeable against the limitations set by section 11-206.”

(r) Section 11-204, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 11-204 Campaign expenditures: authority required.** (a) A candidate may draw on the campaign treasurer for his political expenditures for postage, telegrams, telephone calls, stationery, expressage, travel, meals, and lodging. The candidate shall make a detailed accounting of his political expenditures and the accounting shall be made a part of the reports required in sections 11-207 and 11-208. The account shall state the amount and purpose of the expenditures and other information required by the commission and shall be signed and certified by the campaign treasurer.

(b) No funds shall be withdrawn or paid from a campaign depository except upon the written authorization of the campaign treasurer.

(c) No expenditure by or on behalf of a candidate shall be made or incurred by any committee without specific written authorization of the candidate or his authorized representative. Every expenditure so authorized and made or incurred shall be attributed to the candidate for whom the expenditure is made for the purpose of imposing the expenditure limitations imposed by section 11-206.”

(s) Section 11-205, Hawaii Revised Statutes, is repealed.

(t) Section 11-206, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 11-206 Campaign expenditures: limits as to amounts.** (a) The total expenditures for candidates, inclusive of all expenditures made or incurred by the candidate himself and all campaign treasurers and committees in his behalf, shall not exceed in the aggregate the following: the amounts expressed respectively as the product of the number of voters in the last preceding general election registered to vote for the office or the number of voters who were registered and would have been entitled to vote for the office had it been on the ballot in the last preceding general election and the rates herein indicated, taking into consideration any intervening reapportionment; or the sum of \$2,000 for each period, whichever is greater:

(1) From January 1 of the year of a general election through the day of the primary election, or nine months prior to a special primary or special election through the day of special primary or special election:

(A) For the office of governor—50 cents;

(B) For the office of lieutenant governor—40 cents;

(C) For the offices of mayors and prosecuting attorneys—40 cents

(D) For the offices of state senators and county council members—25 cents;

(E) For the offices of state representatives—25 cents;

(F) For the office of school board and all other offices—12.5 cents; and

(2) From the day after a primary or special primary election through the day of the general or special general election:

(A) For the office of governor—50 cents;

- (B) For the office of lieutenant governor—25 cents;
  - (C) For the offices of mayors and prosecuting attorneys—40 cents;
  - (D) For the offices of state senators and county council members—25 cents;
  - (E) For the offices of state representatives—25 cents;
  - (F) For the office of school board and all other offices—12.5 cents; and
- (3) In no event shall any portion of the amount allowable under subsections (a) (1) and (a) (2) be shifted from one period to another.
- (b) From January 1 of the year of a general election, special general election, or special election through the day of the general, special general, or special election, the total expenditures for committees supporting or opposing ballot questions or issues shall not exceed in the aggregate the amount expressed as the product of the number of voters in the last preceding general election registered to vote in the applicable jurisdiction and the rate of 25 cents.
- (c) The expenditure limits in this section shall be increased for each year beginning with 1975 by the percentage, if any, by which the Consumer Price Index for the preceding twelve months increased over the index for the year 1973.
- (d) If any candidate for one office withdraws from his campaign for that office and becomes a candidate for a new office the amounts expended on the campaign for the first office shall be applied toward the expenditure limits applicable to the new office. If the amounts already expended in seeking the first office exceed the expenditure limit for the new office, the candidate shall not incur further expenses, however, the excess prior expenditure shall not be considered a violation of this section.
- (e) For the purposes of this section, an expenditure shall be deemed to be made or incurred when the services are rendered or the product is delivered. Services rendered or products delivered for use during a time period covered by this section shall be deemed delivered or rendered during the period or periods of use, provided that these expenditures may be reasonably allocated between periods in accordance with the time the services or products are actually used.”
- (u) Subpart B of chapter 11, part XII, Hawaii Revised Statutes, is amended by adding a new section to be designated and to read as follows:
- “**Sec. 11-206.1 House bulletins.** The costs of preparing, printing, and circulating house bulletins and the writings, drawings, and photographs contained therein, except for paid political advertisements, shall be exempt from the provisions of this subpart.”
- (v) Section 11-207, Hawaii Revised Statutes, is amended to read as follows:
- “**Sec. 11-207 Preliminary reports.** (a) Each candidate, authorized person in the case of a party, or campaign treasurer in the case of a committee shall file a preliminary report with the commission on forms provided by the commission not later than 4:30 p.m. of the tenth calendar day prior to each election. The report shall be certified pursuant to section 11-195 and shall con-

tain the following information which is current through the fifteenth calendar day prior to the election:

- (1) The aggregate sum of all contributions received;
  - (2) The amount and date of deposit of the contribution and the name and address of each donor who contributes an aggregate of more than \$100;
  - (3) All expenditures made, incurred, or authorized by or for a candidate including the name and address of each payee and the amount, date, and purpose of each expenditure; and
  - (4) A current statement of the balance on hand or deficit.
- (b) Notwithstanding this section, a candidate or committee which makes expenditures of \$500 or less may file a short form report with the commission in lieu of the reports required by this section and section 11-208.”
- (w) Section 11-208, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 11-208 Final and supplemental reports.** (a) Each candidate, whether or not successful in a primary or special primary election, authorized person in the case of a party, or campaign treasurer in the case of a committee directly associated with a candidate, shall file a final primary report not later than 4:30 p.m. on the twentieth day after the primary or special primary election certified pursuant to section 11-195. The report shall include:

- (1) A statement of the total contributions received;
- (2) The amount and date of deposit of the contribution and the name and address of each donor who contributes an aggregate of more than \$100;
- (3) A statement of all expenditures made or incurred by or for a candidate including the name of each payee and the amount, date, and purpose of each expenditure; and
- (4) A statement of the balance on hand or deficit.

(b) Each candidate, authorized person in the case of a party, or campaign treasurer in the case of a committee shall file a final general report with the commission not later than 4:30 p.m. on the twentieth day after a general, special general, or special election certified pursuant to section 11-195 and reporting all items prescribed in subsection (a). A candidate who is unsuccessful in a primary or special primary election need not file a final general report.

(c) Deficit. In the event of a deficit, the candidate, authorized person in the case of a party, or campaign treasurer in the case of a committee shall, every three months until the deficit is eliminated, file supplemental reports reporting all items prescribed in subsection (a). The first report shall be due not later than 4:30 p.m. on the fifth day after the last day of the election year.

(d) Surplus. In the event of a surplus, the candidate, authorized person in the case of a party, or campaign treasurer in the case of a committee shall:

- (1) Maintain the cash surplus in a financial depository; and
- (2) Every six months, until he becomes a candidate again, file supplemental reports reporting all items prescribed in subsection (a).

The first report shall be due not later than 4:30 p.m. on the fifth day after the last day of the election year.

(e) A candidate, party, or committee who receives no contributions or makes no expenditures shall nevertheless file preliminary, final, and supplemental reports as required by law.”

(x) Section 11-209, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 11-209 Disposition of funds.** (a) All candidates who withdraw or cease to be candidates or committees directly associated with these candidates, individuals who receive contributions but fail to file for nomination, or committees or parties which discontinue their activities covered in this subpart, shall return any residual contributions proportionately to the donors if their identities are known. This subsection does not apply to elected officials or candidates who failed to be nominated or elected.

(b) If no donors are found, the residual contributions shall be contributed to the campaign fund of any candidate, or to any party, charity, or non-profit organization or escheated to the State in the case of state offices or to the respective county in the case of county offices.

(c) Upon disposition, the candidate or campaign treasurer shall file a report with the commission reporting the amounts distributed under this section and the manner of disposition.”

(y) Section 11-210, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 11-210 Advertising.** (a) No person shall cause or submit any advertisement in support for a candidate or against a candidate’s opponent, to be published, broadcast, televised or otherwise circulated and distributed except under the following conditions:

(1) The advertisement shall contain a notice in a prominent location that the literature or advertisement is published, broadcast, televised, or circulated with the approval and authority of the candidate, provided that in the event that the literature or advertisement is paid for by a candidate or committee directly associated with a candidate, the notice of approval and authority need not be included; or

(2) The advertisement shall contain a notice in a prominent location that the literature or advertisement is published, broadcast, televised, or circulated without the approval and authority of the candidate.

(b) All advertisement mentioned in subsection (a) above shall contain the name and address of the candidate, committee, or party paying for same.”

(z) Subpart B of chapter 11, part XII, Hawaii Revised Statutes, is amended by adding a new section to be designated and to read as follows:

“**Sec. 11-211 Complaints, investigation, and notice.** (a) Complaints of violations of this subpart against any person shall be filed with the commission. The complaint shall be in writing and shall be signed under oath by the complainant. Complaints initiated by the commission shall be in writing and signed by the chairman.

(b) The commission shall give notice of receipt of the complaint together with a copy of the complaint to the person cited and shall afford him an opportunity to explain or otherwise respond to the complaint. The commission may also cause an investigation to be made of the complaint.

(c) Upon hearing the response of the person cited, if he elects to respond to the complaint, and upon completion of any investigation, the commission shall make a prompt determination as to whether probable cause exists that a violation has been committed.

(1) Any person who appears before the commission shall have all of the rights, privileges, and responsibilities of a witness appearing before the courts of this State. All witnesses summoned before the commission shall receive reimbursement as paid in like circumstances in the courts of this State. Any person whose name is mentioned during a proceeding of the commission and who may be adversely affected thereby, may appear personally before the commission on his own behalf or file a written statement for incorporation into the record of the proceeding.

(2) The commission shall cause a record to be made of all proceedings pursuant to this subsection. At the conclusion of proceedings concerning an alleged violation, the commission shall immediately begin deliberations on the evidence and then proceed to determine by majority vote of the members whether probable cause exists that a violation has been committed.

(d) Until the determination of probable cause by the commission, all proceedings, including the filing of the complaint, investigation, and hearing shall be confidential unless the person complained of requests an open session. In the event the commission shall determine that probable cause does not exist, then the complaint shall be dismissed and the entire records of the proceedings shall be kept confidential at the option of the person complained of.

(e) The commission shall give written notice to the person complained of and to the complainant as to whether probable cause of a violation exists or whether the complaint has been dismissed.

(f) In the event a determination is made that probable cause of a wilful violation exists, the commission shall promptly advise the chief election officer of its findings and also the applicable clerk of the state legislature in the case of a state office, or the clerk of the respective county legislative body in the case of a county office. In the event a determination is made that probable cause of an unintentional violation exists, the commission shall issue a confidential order that may require the violator to:

- (1) Temporarily cease and desist violation of this subpart or
- (2) File any report, statement, or other information as required by this subpart.

(g) The commission may only initiate prosecution as provided in section 11-213 when it finds that probable cause of a wilful violation exists."

(aa) Section 11-211, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 11-212 Penalties; relief.** (a) Any person knowingly violating any provision of this subpart shall, unless otherwise expressly stated, be punishable in the manner prescribed as follows:

- (1) If a natural person, he shall be guilty of a petty misdemeanor and shall be subject to the penalties specified therefor; or

- (2) If a corporation, organization, or association, it shall be punished by a fine not exceeding \$1,000; and
- (3) Whenever a corporation, organization, or association violates this subpart, the violation shall be deemed to be also that of the individual directors, officers, or agents of the corporation, organization, or association, who have knowingly authorized, ordered, or done any of the acts constituting the violation.

(b) Any person may sue for injunctive relief to compel compliance with this subpart.”

(bb) Section 11-212, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 11-213 Prosecution.** (a) For purposes of prosecution for violations of this subpart, the offices of the attorney general and the prosecuting attorney of the respective counties shall be deemed to have concurrent jurisdiction to be exercised as follows:

- (1) Prosecution shall commence with a written request from the commission or upon the issuance of an order of the court;
- (2) In the case of state offices, parties, or issues, the attorney general or the prosecuting attorney for the city and county of Honolulu shall prosecute any violation; and
- (3) In the case of all other offices, parties, or issues, the attorney general or the prosecuting attorney for the respective county shall prosecute any violation.

In the commission’s choice of prosecuting agency, it shall be guided by whether there will be any conflicting interest between the agency and its appointive authority.

(b) The court shall give priority to the expeditious processing of suits under this section.

(c) Prosecuting for violation of any provision of this subpart shall not be commenced after one year has elapsed from the date of the violation or date of filing of the report covering the period in which the violation occurred, whichever is later.”

SECTION 2. Chapter 19, Hawaii Revised Statutes, is amended in the following respects:

(a) Section 19-5, Hawaii Revised Statutes, is repealed.

(b) Section 19-6, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 19-6 Misdemeanors.** The following persons shall be guilty of a misdemeanor:

- (1) Any person who offers any bribe or makes any promise of gain, or with knowledge of the same permits any person to offer any bribe or make any promise of gain for his benefit, to any voter to induce him to sign a nomination paper, and any person who accepts any bribe or promise of gain of any kind as consideration for signing the same, whether the bribe or promise of gain be offered or accepted before or after the signing.



- (2) Any person who wilfully tears down or destroys or defaces any election proclamation or any poster or notice or list of voters or card of instructions or specimen ballot, issued or posted by authority of law.
- (3) Any person printing or duplicating or causing to be printed or duplicated any ballot, conforming as to the size, weight, shape, thickness, or color, to the official ballot so that it could be cast or counted as an official ballot in an election.
- (4) Every person who is disorderly or creates a disturbance whereby any meeting of the precinct officials or the board of registration of voters during an election is disturbed or interfered with; or whereby any person who intends to be lawfully present at any meeting or election is prevented from attending; or who causes any disturbance at any election; and every person assisting or aiding or abetting any disturbance.
- (5) Every person who, either in person or through another, in any manner breaks up or prevents, or endeavors to break up or prevent, the holding of any meeting of the board of registration of voters, or in any manner breaks up or prevents, or endeavors to break up or prevent, the holding of any election.
- (6) Any person, other than those designated by section 11-132, who remains or loiters within the area set aside for voting as set forth in section 11-132 during the time appointed for voting.
- (7) Any person, including candidates carrying on any campaign activities within the area described in section 11-132 on the day on which an election is being held for the purpose of influencing votes. Campaign activities shall include but not be restricted to the following:
  - (A) The distribution, circulation, posting, or staking of campaign cards, pamphlets, and other literature;
  - (B) The use of public address systems and other public communication media;
  - (C) The use of motor caravans or parades;
  - (D) The use of entertainment troupes or the free distribution of goods and services.

The "day of election" as used in this paragraph shall commence at midnight of the day before the polls are opened and shall end with the closing of the polls.

- (8) Any person who opens a reply envelope containing an absentee ballot voted under chapter 15 or a mailing ballot voted under chapter 15A other than those authorized to do so under chapters 15 and 15A.
- (9) Any voter who makes any false statement in any affidavit required for absentee voting under chapter 15 or for voting by mailing ballots under chapter 15A.
- (10) Any unauthorized person found in possession of any voting machine or keys thereof.
- (11) Every person who willfully violates or fails to obey any of the provisions of law, punishment for which is not otherwise in this chapter specially provided for.

- (12) Any person who, knowing that he is not entitled to register or to vote, registers or votes; and any person taking any oath in this title prescribed or authorized to be administered and wilfully making oath to any false statement of fact, or wilfully making a false answer to any question put to him thereunder.”

(c) Section 19-8, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 19-8 Other offenses; penalties.** Any violation of this section shall result in a fine of not less than \$50 nor more than \$300 on any person, business, or corporation who refuses an employee the privileges conferred by section 11-95, or subjects an employee to a penalty or deduction of wages because of the exercise of the privileges, or who directly or indirectly violates section 11-95.”

SECTION 3. Severability. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the validity of the provision to other persons and circumstances shall not be affected thereby and further, the invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 4. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 5. This Act shall take effect upon its approval.

(Approved May 27, 1975.)

ACT 147

H.B. NO. 946

A Bill for an Act Relating to Child Abuse and Neglect.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 350-1, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 350-1 Reports.** Any doctor, which for the purposes of this chapter means any person licensed by the State to render services in medicine, osteopathy, dentistry, or any of the other healing arts, examining, attending, or treating a minor, or any registered nurse, school teacher, social worker, or coroner acting in his official capacity, having reason to believe that such minor has had injury inflicted upon him as a result of abuse or neglect, shall promptly report the matter orally to the department of social services and housing; provided that when examination, attendance, or treatment with respect to the minor is pursuant to the performance of services as a member of the staff of a hospital or similar facility, the staff member shall immediately notify the person in charge of the medical facility, or his designated delegate,

\*Edited accordingly.

who shall report or cause reports to be made in accordance with this chapter.

Abuse or neglect of a minor for the purposes of this chapter means physical or mental injury, sexual abuse, negligent treatment, or maltreatment of a child under 18 years of age under circumstances which indicate that the minor's health or welfare has been or is harmed or threatened thereby.

The initial oral report shall be followed as soon thereafter as possible by a report in writing. The report shall contain the name and address of the minor and of his parents or other persons responsible for his care, if known, the minor's age, the nature and extent of the minor's injuries, and any other information that the reporter believes might be helpful in establishing the cause of the injuries.

Any other person who has reason to believe that a minor has had injury inflicted upon him as a result of abuse or neglect may report the matter orally to the department of social services and housing."

SECTION 2. New statutory material is underscored. In printing this Act, the revisor of statutes need not include the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 27, 1975.)

## ACT 148

H.B. NO. 161

A Bill for an Act Relating to a Reorganization Commission.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. There is hereby created a government organization commission, hereinafter referred to as "the commission," which shall study and report on, but not be limited to, the following:

(a) Definition and limitation of administrative responsibilities, services, activities and functions of all state and county agencies;

(b) Organization and distribution of all state and county financial powers, functions and responsibilities.

(c) Limitations of expenditures to an amount appropriate and consistent with the efficient performance of essential services, activities and functions;

(d) Elimination of duplication and overlapping of services, activities and functions;

(e) Consolidation of services, activities and functions of a similar nature.

The commission shall be composed of twelve members, of whom four shall be appointed by the president of the senate, four by the speaker of the house of representatives, and four by the governor. The commission members shall be appointed within ninety days from the effective date of this Act. Any other law to the contrary notwithstanding, any state or county officer or employee may be appointed as a member of the commission.

\*Edited accordingly.

Any vacancy in the commission shall not affect its powers and shall be filled in the same manner in which the original appointment was made. The commission shall elect a chairman and vice-chairman from among its members. A majority of the members of the commission shall constitute a quorum.

SECTION 2. The commission may appoint and fix the compensation of each personnel as it deems necessary. Such personnel shall not be subject to the provisions of chapters 76 and 77, Hawaii Revised Statutes. The commission shall have the power to appoint an advisory committee or committees from time to time to which employees of the State and counties shall be eligible.

SECTION 3. Members of the commission shall serve without compensation, but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

SECTION 4. The commission may hold hearings and make investigations. For these purposes, the commission shall have such powers as may be provided by law with respect to issuance of subpoenas and compelling the attendance of witnesses to secure information necessary to carry out the purposes of this Act. Subpoenas shall be signed by the chairman of the commission and may be served by any person designated by him. Any member of the commission may administer oaths or affirmations to any person called before it. Any person subpoenaed to appear before the commission shall be entitled to receive fees and travel expenses as are allowed witnesses in civil actions in the circuit courts of the State.

SECTION 5. The commission shall have power to examine all government records and may secure directly from any state or county agency, information, suggestions, estimates and statistics which are necessary in order to carry out the purposes of this Act. Each department shall make its records available and shall furnish information, suggestions, estimates and statistics directly to the commission, upon written request of the chairman or vice-chairman.

SECTION 6. Within ten days of the adjournment of the regular session of 1976, the commission shall submit a preliminary report of its findings to the legislature. Within ten days after the regular session of the Ninth State Legislature is convened and organized, the commission shall report its findings to the legislature. Ninety days after the submission to the legislature of its last report, the commission shall cease to exist.

SECTION 7. There is hereby appropriated from the general funds of the State the sum of \$130,000, for the 1975-1976 fiscal year, or so much thereof as may be necessary, to defray the expenses of the commission and to pay the compensation of the personnel authorized in section 2 of this Act. Payment of such expenses and compensation shall be disbursed on warrants of the comptroller upon vouchers approved by the chairman of the commission.

SECTION 8. This Act shall take effect upon its approval.

(Approved May 29, 1975.)

A Bill for an Act Relating to the Office of Consumer Protection.

SECTION 1. Section 487-5, Hawaii Revised Statutes, is amended to read:

**“Sec. 487-5 General functions, powers and duties of the office.** The director of the office of consumer protection is designated the consumer counsel for the State and shall represent and protect the State, the respective counties, and the general public as consumers. The office of consumer protection shall have the following functions, powers and duties:

- (1) Coordinate the consumer protection activities of all departments, divisions, and branches of state government, and of branches of the county government concerned with consumer protection;
- (2) Assist, advise, and cooperate with federal, state, and local agencies and officials to protect and promote the interests of the consumer public;
- (3) Conduct investigations, research, studies and analysis of matters and take appropriate action affecting the interests of consumers;
- (4) Study the operation of laws affecting consumers and recommend to the governor and the legislature, new laws and amendments of laws in the consumers' interest;
- (5) Investigate reported or suspected violations of laws enacted, and rules and regulations promulgated for the purpose of consumer protection and shall enforce such laws, rules and regulations by bringing civil actions or proceedings;
- (6) Organize and hold conferences on problems affecting consumers; and undertake activities to encourage business and industry to maintain high standards of honesty, fair business practices, and public responsibility in the production, promotion, and sale of consumer goods and services;
- (7) Provide a central clearing house of information by collecting and compiling all consumer complaints and inquiries;
- (8) Organize, promote and conduct consumer education programs within the State;
- (9) Appear before governmental commissions, departments and agencies to represent and be heard on behalf of consumers' interest;
- (10) Contract with other county, state, or federal governmental agencies, with nonprofit social services societies, or with private nonprofit trade, professional, or business organizations for the performance of any of the functions of the office not involving the enforcement of rules and regulations for the purpose of consumer protection under this section, or the extension of any power or authority under section 487-11, within the budget limitations for any period not exceeding a budget year, provided, however, that the purposes and policies of this chapter are in no way diluted, abridged, misdirected, or destroyed;

(11) Perform such other acts as may be incidental to the exercise of the functions, powers, and duties set forth in this section.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 29, 1975.)

## ACT 150

H.B. NO. 1240

A Bill for an Act Relating to Public Service.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The purposes of this Act are to provide state information and services to the public through joint cooperation with the several counties; to provide appropriations therefor; and to provide appropriations for services for immigrants residing on leeward Oahu.

SECTION 2. **Functions of statewide concern.** Chapter 27-1, Hawaii Revised Statutes, is amended by adding a new item to read as follows:

“(6) Provide information and services to the public through joint cooperation with the several counties.”

SECTION 3. Chapter 27, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“**Sec. 27- Extended state information and services provided.** The office of the governor shall receive and review requests from state agencies for providing information and services to the public. Upon determination of needed extension services, the office shall solicit the aid and cooperation of the counties. Joint efforts will be made to use existing state and county facilities, and to create new facilities if necessary.”

SECTION 4. **Appropriation.** There is appropriated out of the general revenues of the State of Hawaii the sum of \$100,000 or so much thereof as may be necessary, to carry out the purposes of sections 2 and 3 of this Act. The sum appropriated shall be expended by the department of accounting and general services.

SECTION 5. Chapter 202, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“**Sec. 202- State immigrant services center.** There shall be a state immigrant services center within the office of the governor and under the advisory commission on manpower and full employment. The commission shall appoint a director of the state immigrant services center and may employ such other personnel as it deems advisable, who shall be exempt from chapters 76 and 77.

\*Edited accordingly.

At the direction of the commission, the director shall:

- (1) Assist and coordinate the efforts of public and private agencies in providing services to immigrants and non-English speaking residents;
- (2) Provide information on the varied services available in Hawaii and refer the immigrants to appropriate agencies;
- (3) Provide assistance in counseling, acculturation program, outreach and other support services necessary for immigrants to become economically productive and socially adjusted;
- (4) Encourage local and ethnic groups and community organizations to develop programs for immigrants and their families;
- (5) Compile information concerning immigrants and conduct or contract for studies on problems faced by them;
- (6) Gather and develop information to aid the prospective immigrant and his sponsor in complying with U.S. Immigration and related laws, and to develop a suitable orientation program for the immigrant upon reaching Hawaii;
- (7) Serve as liaison on immigration matters of broad community concern, as well as individual problems of immigrants; and
- (8) Make recommendations to the administration, the legislature and community organizations for improving services to immigrants."

SECTION 6. There is appropriated out of the general revenues of the State of Hawaii the sum of \$26,000 or so much thereof as may be necessary to carry out the purposes of section 5 of this Act. These funds will be administered by the Hawaii State Immigration Service Center.

SECTION 7. **Effective date.** This Act shall take effect upon its approval.  
(Approved May 29, 2975.)

ACT 151

H.B. NO. 1742

A Bill for an Act Relating to Unemployment.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The Hawaii Revised Statutes, is amended by adding a new chapter to be appropriately designated and to read as follows:

## "CHAPTER STATE PROGRAM FOR THE UNEMPLOYED

### PART I. GENERAL PROVISIONS

Sec. -1 **Findings and purpose.** The legislature finds that immediate, speedy action must be taken to reduce unemployment in this State. The present decline in the health of the state and national economies and the high rates of unemployment that will accompany this decline will cause considerable hardship among the peoples of the State. The legislature further finds it is therefore prudent at this time to take steps to alleviate the effects of a

high rate of unemployment through the development of a state unemployment program.

It is the purpose of this chapter to:

- (1) Develop public service employment opportunities in addition to those presently existing.
- (2) Enable unemployed and underemployed persons with transient employment in needed public services jobs, and, whenever feasible, related training and manpower services, to move into employment or training supported under this chapter.
- (3) Supplement the federal public service employment program as set forth in subchapter II of the Federal Comprehensive Employment and Training Act, by creating state-funded additional public service employment jobs based on concepts similar to that already provided for by such federal Act.
- (4) Provide for subsidies and loans for certain private employers to participate in employment programs involving the training and hiring of unemployed persons.
- (5) Encourage the implementation of the Federal Comprehensive Employment and Training Act.

**Sec. -2 Definitions.** As used in this chapter:

- (1) "CETA" means the Federal Comprehensive Employment and Training Act, title 42, U.S.C., section 841, et. seq. (Public Law 92-203).
- (2) "Department" means the department of labor and industrial relations.
- (3) "Director" means the director of labor and industrial relations.
- (4) "Head of household" means an individual if he maintains as his home a household which constitutes the principal place of abode, and includes as a member of such household, a wife, a son, stepson, or stepdaughter of such individual, or a descendant of a son or daughter of such individual, or any other person who is a dependent of the individual. A household includes all persons who occupy a group of rooms or a single room which constitutes a housing unit. A group of rooms or a single room is regarded as a housing unit when it is occupied as a separate living quarters, that is, when the occupants do not live and eat with any other persons in the structure, and when there are complete kitchen facilities for the exclusive use of the occupants of the household.
- (5) "Unemployed persons" includes all underemployed and unemployed heads of households, the disadvantaged, all ex-offenders who are unemployed, all Vietnam veterans who are unemployed, and all disadvantaged or needy youths who are certified as such by the director.

**Sec. -3 Rules.** The director shall adopt rules pursuant to chapter 91 necessary for the purposes of this chapter.

**Sec. -4 Reports.** The director shall report on the progress of this chapter to the legislature annually.



## PART II. STATE COMPREHENSIVE EMPLOYMENT AND TRAINING

**Sec. -11 Authority and priorities.** The director may create and administer a statewide state-funded public service employment program. In carrying out the program, the director shall accord priority to individuals to be hired in the following order:

First: Unemployed heads of household who have been unemployed for more than fifteen weeks, including those who have exhausted their unemployment benefits.

Second: All other unemployed heads of households, who are unemployment insurance claimants.

Third: All other unemployed heads of households, whether or not unemployment insurance claimants, who are certified by the director as recipients of state public assistance under chapter 346.

Fourth: All other unemployed persons, whether or not unemployment insurance claimants.

Persons employed in public service jobs under this chapter shall be paid wages which shall not be lower than the State minimum wage.

Such persons shall not be considered state employees and shall not be subject to the provisions of law relating to state employment, including those regarding hours of work, rates of compensation, leave, unemployment compensation, and state employee benefits.

For purposes of chapter 386 such persons shall be deemed employees of the State within the meaning of the term "employee" as defined in section 386-1, and the provisions of that chapter shall apply.

**Sec. -12 Relationship of program under this part to CETA and other state programs.** The program under this part is a state-funded program. Accordingly, the director shall not be required to conform this program with that of the federal public service employment program.

The director shall, immediately upon enactment of this part, implement this part. He shall coordinate the activities with any other state or county activities relating to public service employment, including but not limited to programs under chapter 394, sections 208-5, 346-71, and 346-101, programs under CETA, and the work incentive program under the Federal Social Security Act.

## PART III. STATE ASSISTANCE FOR CERTAIN EMPLOYMENT

**Sec. -21 State subsidy for certain private employers.** Any private employer, whether profit-making or nonprofit making, who agrees to participate in an employment program to train and permanently hire unemployed persons shall be entitled to a state subsidy in accordance with this part and such rules as may be necessary.

**Sec. -22 Nature of subsidy.** The subsidy shall be to defray extra costs of providing employment and a program of training and support services. It may be used for on-the-job training and counseling, job orientation, job-related education, instruction in English as a second language, medical and dental services, transportation expenses, a portion of wages, and other costs

related to such employment.

All subsidies shall be made directly to the employer by the director. The amounts of the subsidies shall be determined by the director in accordance with guidelines adopted by him, and all subsidies shall be incorporated into contracts entered into between the director and the participating employers.

**Sec. -23 Limitations.** No subsidy shall exceed \$1,500 for one permanent job position. The maximum subsidy allowed to any one employer shall be \$25,000 or an amount not to exceed twenty-five per cent of any one employer's work force, whichever is the lesser amount, except under exceptional circumstances as determined by the director. The training subsidy for a given position shall not exceed twenty weeks.

**Sec. -24 Certification required.** Enrollees who work for contract firms shall be certified as disadvantaged by the director, and shall meet the low-income criteria established by the federal government.

**Sec. -25 Program in addition to federal program.** The state-funded subsidy program shall be in addition to, and shall serve as a supplement to the program by the federal government under CETA.

This state-funded subsidy shall not be used to increase the federal CETA subsidy already provided to an employer for the same enrollee. The intent of this part is that this state-funded subsidy is to be used for enrollees not covered under the federal CETA program.

#### PART IV. STATE LOANS FOR CERTAIN EMPLOYMENT

**Sec. -31 State loans for certain private employers.** Any private employer, whether profit or nonprofit, who agrees to participate in an employment program to train and permanently hire unemployed persons shall be entitled to qualify for state low-interest loans for purposes described herein.

**Sec. -32 Nature of loans.** The employer who qualifies shall be entitled to a loan of not more than \$10,000 for each unemployed person that he immediately hires; provided that such persons shall be employed at least one year or for the term of the loan, whichever is longer.

The loan shall be for five years maximum, at the rate of six per cent interest a year, and shall be payable in equal monthly installments of principal and interest.

The loan shall be for purposes directly related to the maintenance or expansion of the employer's business activity.

The director shall adopt rules as may be necessary to carry out the purpose of this part. Any provision to the contrary notwithstanding, the director shall have full authority and discretion to consider, approve, or disapprove any loan application and impose restrictions on any loan made pursuant to this part. Under no circumstances shall any one employer be granted loans exceeding \$100,000."

**SECTION 2.** There is appropriated out of the general revenues of the State of Hawaii the sum of \$11,133,500, or so much thereof as may be necessary, to implement the programs set forth in part II of chapter created in section I of this Act. The funds appropriated shall be expended by the director of labor and industrial relations; provided that \$5,000,000, or so much thereof

as may be necessary, shall be apportioned in the various counties in accordance with the unemployment rate of each county as determined each month by the director.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$1,000,000, or so much thereof as may be necessary, to implement the programs set forth in parts III and IV of chapter created in section 1 of this Act. The funds appropriated shall be expended by the director of labor and industrial relations.

SECTION 4. This Act shall be in effect for the period July 1, 1975 to June 30, 1976. This Act shall lapse and all appropriations under this Act not used shall lapse on June 30, 1976.

SECTION 5. This Act shall take effect on July 1, 1975.  
(Approved May 29, 1975.)

ACT 152

S.B. NO. 1304

A Bill for an Act Relating to Comparative Negligence.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 663-31(a), Hawaii Revised Statutes, is hereby amended to read as follows:

“(a) Contributory negligence shall not bar recovery in any action by any person or his legal representative to recover damages for negligence resulting in death or in injury to person or property, if such negligence was not greater than the negligence of the person against whom recovery is sought, but any damages allowed shall be diminished in proportion to the amount of negligence attributable to the person for whose injury, damage or death recovery is made.”

SECTION 2. This Act shall take effect upon its approval.  
(Approved May 30, 1975.)

ACT 153

H.B. NO. 7

A Bill for an Act Relating to the Relief of Certain Persons' Claims Against the State and Providing Appropriations Therefor.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The following sums of money are appropriated out of the general revenues of the State of Hawaii for the purpose of satisfying claims for legislative relief as to the following named persons, firms, and corporations for overpayment of taxes or on account of other claims for refunds, reimbursements, or other payments, against the State in the amount set opposite their names:

**ACT 153**

**Section 37-77, Hawaii Revised Statutes**

**REFUND OF TAXES:**

	<u>Division</u>	<u>Amount</u>
Beatrice Foods Company (Real Property)	First	\$2,094.75
Borge, Roque R. (Real Property)	First	153.68
Gouveia, Clarence L. (Real Property)	First	397.78
Perry, Albert Jr. (Real Property)	First	621.21
Roth, Maybelle F. (Real Property)	First	753.96

**Chapter 662, Hawaii Revised Statutes**

**JUDGMENTS AGAINST THE STATE AND SETTLEMENT OF CLAIMS:**

		<u>Amount</u>
Neeley, Harold K., a minor, by Harold D. Neeley Civil No. 36597, First Circuit Date of Judgment: November 29, 1974 Amount of Judgment:	\$3,000.00	
4% Interest:	81.25	\$3,081.25
Asing, Robert H., a minor, by Novelene and Robert Asing Civil No. 39545, First Circuit Date of Judgment: October 22, 1974 Amount of Judgment:	\$6,616.33	
4% Interest:	185.22	6,801.55
Kaiser Hawaii-Kai Development Company Civil No. 34246, First Circuit Date of Judgment: October 8, 1974 Amount of Judgment:	\$3,942.89	
4% Interest:	70.76	4,013.65
City and County of Honolulu Civil No. 38446, First Circuit Date of Judgment: May 30, 1974 Amount of Judgment:	\$4,000.00	
4% Interest:	186.74	4,186.74
Barclay, Alida Civil No. 41991, First Circuit Date of Judgment: February 25, 1975 Amount of Judgment:	\$25,000.00	
4% Interest:	352.68	25,352.68
Maldonado, Charles Civil No. 40663, First Circuit Date of Judgment: February 14, 1975 Amount of Judgment:	\$5,000.00	
4% Interest:	76.10	5,076.10

## Section 37-77, Hawaii Revised Statutes

## MISCELLANEOUS CLAIMS:

	<u>Amount</u>
Lambiotte, Benjamin, M.D. Damages to two (2) personal bicycles parked in garage of residence by a patient at Waimano Training School and Hospital, July 22, 1974	\$48.00
Cadavona, Esperanza Damages to car by patient at Waimano Training School and Hospital, March 17, 1974	145.20
Molina, Raphael Damages to car by patient at Waimano Training School and Hospital, November 14, 1974	142.00
Jocson, Benjamin Damages to car by patient at Waimano Training School and Hospital, February 19, 1974	62.87
Ku, Emma Damages to car by patient at Waimano Training School and Hospital, April 3, 1974	72.80
Oda, Fuyumi Damages to car by patient at Waimano Training School and Hospital, May 3, 1974	291.42
Lindsey, Maria P. Damages to car by patient at Waimano Training School and Hospital, June 26, 1974	86.00
Lang, Bruce Damages to car by patient at Waimano Training School and Hospital, October 18, 1974	141.44
Keahi, Blanche M. Reimbursement for loss of personal property (wristwatch band) caused by a patient at Hawaii State Hospital, January 20, 1974	13.47
Hayashi, Nobuko T. Damages to car by patient at Hawaii State Hospital, June 29, 1974	109.16
Akima, Gladys K. Damages to car by patient at Hawaii State Hospital, June 29, 1974	132.37
Lam Ho, John Damages to car by patient at Hawaii State Hospital, June 30, 1974	169.77

SECTION 2. The sums hereinabove appropriated shall be paid to the respective persons and in the several amounts hereinabove set out upon warrants issued by the comptroller of the State: (i) upon vouchers approved by the director of the department of taxation as to claims for overpayment of taxes and (ii) upon vouchers approved by the director of the department

of budget and finance as to all other claims.

SECTION 3. Notwithstanding the sums hereinabove appropriated as interest upon judgments against the State and settlements of claims, payment of interest, at the rate of four per cent a year, shall be limited to the period from the date of judgment or court approval of the settlement to the effective date of this Act, as provided in section 662-8, Hawaii Revised Statutes, and all unexpended balances thereof after payment shall lapse into the general fund of the State.

SECTION 4. If any portion of this Act or its application to any circumstances or person is held invalid for any reason, the remainder thereof shall not be affected thereby.

SECTION 5. This Act shall take effect upon its approval.

(Approved May 30, 1975.)

ACT 154

S.B. NO. 830

A Bill for an Act Relating to Criminal Littering.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 829, Hawaii Revised Statutes, Title 37, Hawaii Penal Code, is amended to read as follows:

**“Sec. 829 Criminal littering.** (1) A person commits the offense of criminal littering if he knowingly places, throws, or drops litter on any public or private property or in any public or private waters without the consent of the owner whose interest is affected thereby.

(2) “Litter” means rubbish, refuse, waste material, garbage, offal, paper, glass, cans, bottles, trash, or debris of whatever kind or description, and whether or not it is of value.

(3) Criminal littering is a petty misdemeanor.

(4) The court may sentence any person convicted of committing the offense of criminal littering as follows:

(a) For the first offense defendant shall spend up to four hours picking up litter on public property; and

(b) For any subsequent offense defendant shall spend up to eight hours picking up litter on public property.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 30, 1975.)

\*Edited accordingly.

A Bill for an Act Relating to Garnishment.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 652, Hawaii Revised Statutes, is amended as follows:

1. A new section is added to be appropriately designated and to read:

**“Sec. 652- Prejudgment garnishment; procedures.** (a) Except as provided in subsection (e), any creditor desiring to secure a garnishment process before judgment shall attach his petition for process, summons, and direction to the following documents:

- (1) An application, directed to the court to which such action is made returnable, for garnishee process to issue under section 652-1(a);
- (2) An affidavit sworn to by the creditor or some competent affiant setting forth a statement of facts sufficient to show that probable validity exists to sustain the validity of the creditor’s claim;
- (3) An order that a hearing be held before the court or a judge thereof to determine whether or not the garnishee process should be granted and that notice of such hearing be given to the defendant debtor;
- (4) A summons directed to a proper officer commanding him to serve upon the debtor at least four days prior to the date of the hearing, pursuant to chapter 634, the application, a true and attested copy of the petition, summons, and direction, the affidavit, and the order and notice of hearing.

(b) The clerk upon receipt of all such documents in duplicate, if he finds them to be in proper form, shall fix a date for the hearing on the application and sign the order of hearing and notice; except that if the application includes a request for a temporary restraining order, the court or a judge of the court shall act on the application for the temporary restraining order, fix a date for the hearing on the garnishee process and sign the order of hearing and notice.

(c) The clerk shall deliver to the creditor’s attorney the original documents for service. Service having been made, the original documents shall be returned to the court with the endorsement by the officer of service.

(d) The defendant debtor shall have the right to appear and be heard at the hearing. The hearing shall be limited to a determination of whether or not probable validity exists to sustain the validity of the creditor’s claim. If the court, upon consideration of the facts before it, finds that the creditor has sustained the validity of his claim, then the garnishee process under section 652-1(a) applied for shall be granted as requested or modified by the court. The clerk shall deliver to the creditor’s attorney the petition, summons, and direction for service of process. If the court denies the application, only a summons and complaint shall be served. In either event, the creditor may alter the return day of the petition, summons, and direction, or the summons and complaint, as the case may be.

(e) The court or judge of the court may allow the garnishment process

to be issued by an attorney without hearing as provided in subsections (a) to (d) upon verification by oath of the creditor or of some competent affiant, that there is reasonable likelihood that the defendant debtor:

- (1) Neither resides in nor maintains an office or place of business in this State and may depart from the State within six months from the date of filing under this section;
  - (2) Has hidden or will hide himself so that process cannot be served on him;
  - (3) Is about to remove himself or his property from this State;
  - (4) Is about to fraudulently dispose of or has fraudulently disposed of any of his property with intent to hinder, delay, or defraud his creditors; or
  - (5) Has fraudulently hidden or withheld money, property, or effects which should be liable to the satisfaction of his debts.
- (f) The defendant debtor in an action in which garnishee process was allowed under subsection (e) may move to dissolve or modify the garnishee process in which event the court shall proceed to hear and determine the motion expeditiously. If the court determines at the hearing requested by the debtor that probable validity exists to sustain the validity of the creditor's claim, then the garnishee process granted shall remain in effect. If the court determines there is no such probable validity, the garnishee process shall be dissolved. An order shall be issued by the court setting forth the action it has taken.

(g) The court's determinations under this section shall have no effect on the determination of any issues in the action other than the issues relevant to proceedings under this section nor shall they affect the rights of the defendant debtor in any other action arising out of the same claim. The court's determinations under this section shall not be given in evidence nor referred to in the trial of such action."

2. Section 652-1 is amended by amending subsection (a) to read:

"(a) Before judgment. When any goods or effects of a debtor are concealed in the hands of an attorney, agent, factor, or trustee (in this chapter jointly and severally included in the term "garnishee"), so that they cannot be found to be attached or levied upon, or when any debt is due from any person (also included under the term "garnishee") to a debtor, or when any person has in his possession for safekeeping any moneys of the debtor, any creditor may bring his action against a debtor and in his petition for process, or by amendments of the complaint at any time before judgment, after meeting the requirements of section 652- may request the court to insert in the process a direction to the officer serving the same to leave a true and attested copy thereof with the garnishee or at his usual place of abode and to summon the garnishee to appear personally upon the day or term appointed in the process for hearing the action or at any other time appointed by the court and then and there on oath to answer all of the following inquiries, herein inclusively referred to as the "disclosure":

- (1) Whether he has, or at the time the copy was served on him had, any of the goods or effects of the defendant in his hands and, if so, the



nature, amount and value thereof;

- (2) Whether he is, or at the time of service was indebted to the defendant and, if so, the nature and amount of the debt; or
- (3) Whether he has or at the time of service on him had, any moneys of the defendant in his possession for safekeeping and, if so, the amount thereof.

The summons and direction, except as to wages as provided for above, shall be signed and issued after proceedings under section 652- as is usual in other civil process. It shall be served according to such direction. From the time of leaving such copy, the garnishee shall secure in his hands to pay such judgment as the plaintiff shall recover in the action, the following property or choses:

- (1) All the goods and effects of the defendant then in the hands of the garnishee;
- (2) Every debt then owing from the garnishee to the defendant;
- (3) All moneys of the defendant then in the possession of the garnishee for safekeeping; and
- (4) A portion of the wages of the defendant by withholding the amount to be determined as follows: five per cent of the first \$100 per month, ten per cent of the next \$100 per month, and twenty per cent of all sums in excess of \$200 per month, or an equivalent portion of the above amount per week, whether then or thereafter to become owing.

The property or choses described in (1), (2), (3), and (4) of this paragraph are included under the term "garnishee fund" (in this chapter). The cumulative total value of the fund, in advance of final judgment, shall be no more than shall be sufficient to meet the claim of the plaintiff together with the cost and legal interest. Any excess in the fund shall be released by the court pursuant to subsection (d) of this section. No part of the garnishee fund may be otherwise disposed of by the garnishee except as provided in this chapter.

Except as provided in section 652- , the summons and direction shall be sufficient notice to the defendant to enable the plaintiff to bring his action to trial, unless the defendant is an inhabitant of the State or has some time resided therein, in which case a like copy shall be served personally upon him or left at his last and usual place of abode.

The court shall order the fund garnished before judgment released upon the filing by the debtor with the court of a bond or bonds issued by a surety or sureties licensed to do business as such in the State, in an amount sufficient to pay the claim of the creditor together with costs and interest, and conditioned upon judgment rendered in favor of the creditor and to the extent the claim or any portion thereof, together with costs and interest, if any, is awarded."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not

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include the brackets, the bracketed material, or the underscoring.\*

SECTION 3. This Act shall take effect upon its approval; provided that this Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

(Approved May 30, 1975.)

ACT 156

H.B. NO. 132

A Bill for an Act Relating to Civil Penalties Collected by the Office of Consumer Protection.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 480-3.1, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 480-3.1 Civil penalty.** Any person, firm, company, association, or corporation violating any of the provisions of section 480-2 shall be fined by a sum not less than \$500 nor more than \$2,500 for each violation, which sum shall be collected in a civil action brought by the attorney general or the director of the office of consumer protection on behalf of the State.”

SECTION 2. New material is underscored. In printing this Act, the revisor of statutes need not include the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 30, 1975.)

ACT 157

H.B. NO. 904

A Bill for an Act Relating to Real Property Tax Due Dates.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. **Purpose.** The purpose of this Act is to coincide the dates on which annual county budget ordinances are enacted and real property taxes are set. Under present law, the deadline for setting real property tax rates is October 26. The monies raised therefrom finance budgets which were enacted the previous May and June. By changing the deadlines for setting real property tax rates from October 26 to June 20, fiscal policy decisions on both revenues and spending will be made concurrently.

SECTION 2. Section 246-3 of the Hawaii Revised Statutes is amended to read as follows:

**“Sec. 246-3 Tax year; time as of which levy and assessment made.** For real property tax purposes, “tax year” shall mean the fiscal year beginning July 1 of each calendar year and ending June 30 of the following calendar year. Real property shall be assessed, and taxes shall be levied thereon, as

\*Edited accordingly.

of [July 1 of the] January 1 preceding each tax year upon the basis of valuations determined in the manner and at the time provided in this chapter.”

SECTION 3. Section 246-4 of the Hawaii Revised Statutes is amended to read as follows:

“**Sec. 246-4 Assessment of property; to whom in general.** Real property shall be assessed in its entirety to the owner thereof; provided that where improved residential land has been leased for a term of fifteen years or more, the real property shall be assessed in its entirety to the lessee or his successor in interest holding the land for such term under such lease and the lessee or successor in interest shall be deemed the owner of the real property in its entirety for the purposes of this chapter; provided, however, that the lease and any extension, renewal, assignment, or agreement to assign the lease (1) shall have been duly entered into and recorded in the bureau of conveyances or filed in the office of the assistant registrar of the land court prior to [July 1 of] January 1 preceding the tax year for which the assessment is made, and (2) shall provide that the lessee shall pay all taxes levied on the property during the term of the lease.

“Improved residential land” as used herein means land improved with a single dwelling on it.

For the purposes of this chapter, life tenants, executors, administrators, trustees, guardians, or other fiduciaries may be, and persons holding government property under an agreement for the conveyance of the same to such persons shall be considered as owners during the time any real property is held or controlled by them as such, as more fully provided in section 246-36; and further, notwithstanding any provision to the contrary in this chapter, any tenant occupying government land, whether such occupancy be on a permit, license, month to month tenancy, or otherwise, shall be considered as owner where such occupancy has continued for a period of one year or more, as more fully provided in section 246-36. Persons holding any real property under an agreement to purchase the same, shall be considered as owners during the time the real property is held or controlled by them as such; provided the agreement to purchase (1) shall have been recorded in the bureau of conveyances, and (2) shall provide that the purchasers shall pay the real property taxes levied on the property. Persons holding any real property under a lease for a term to last during the lifetime of the lessee, shall be considered as owners during the time the real property is held or controlled by them as such; provided that the lease (1) shall have been duly entered into and recorded in the bureau of conveyances or filed in the office of the assistant registrar of the land court prior to [July 1 of] January 1 preceding the tax year for which the assessment is made, and (2) shall provide that the lessee shall pay all taxes levied on the property during the term of the lease.

SECTION 4. Section 246-8 of the Hawaii Revised Statutes is amended to read as follows:

“**Sec. 246-8 Assessment of property of unknown owners.** The taxable property of persons unknown, or some of whom are unknown, shall be assessed to “unknown owners,” or to named persons and “unknown owners,”

as the case may be. The taxable property of persons not having record title thereto on [July 1 of] January 1 preceding the tax year for which the assessment is made, or some of whom did not have record title thereto on [July 1 of] January 1 preceding the tax year for which the assessment is made, may be assessed to "unknown owners," or to named persons and "unknown owners," as the case may be. Such property may be levied upon for unpaid taxes."

SECTION 5. Section 246-12 of the Hawaii Revised Statutes is amended in the following respects:

a. By amending subparagraph (1) of paragraph (c) to read as follows:

"(1) In the case of a ten-year dedication, the owner may [during] after the ninth year and years thereafter, give notice of cancellation by filing with the director, a written notice of cancellation, on or before [September 25] April 9, to be effective as of [July 1] January 1 of the following [tax] year;"

b. By amending paragraph (e) to read as follows:

"(e) The director shall prescribe the form of the petition. The petition shall be filed with the director of taxation by [March 1] September 1 of any calendar year and shall be approved or disapproved by [June 15] December 15. If approved, the assessment based upon the use requested in the dedication shall be effective on [July 1] January 1, next."

SECTION 6. Section 246-12.2 of the Hawaii Revised Statutes is amended in the following respects:

a. By amending subparagraph (C) of paragraph (1) to read as follows:

"(C) The failure of the owner to observe the restrictions on the use of his land to that of a golf course shall cancel the special tax assessment privilege retroactive to the date of the [petition] dedication but not more than ten years prior to the tax year in which the exemption is disallowed; and all differences in the amount of taxes that were paid and those that would have been due from assessment in the higher use shall be payable with a six per cent a year penalty from the respective dates that these payments would have been due. Failure to observe the restrictions on the use means failure for a period of over [one calendar year] twelve consecutive months to use the land in that manner requested in the petition as a golf course by the overt act of changing the use for any period. Nothing in this paragraph shall preclude the State from pursuing any other remedy to enforce the covenant on the use of the land as a golf course."

b. By amending subparagraph (D) of paragraph (1) to read as follows:

"(D) The director of taxation shall prescribe the form of the petition. The petition shall be filed by [March 1] September 1 of any [tax] calendar year and shall be approved or disapproved by [June 15] December 15 of such year. If approved, the assessment based upon the use requested in the dedication shall be effective on [July 1] January 1 of the succeeding [tax] year."

SECTION 7. Section 246-12.3 of the Hawaii Revised Statutes is

amended in the following respects:

a. By amending paragraph (e) to read as follows:

“(e) Failure of the owner to observe the restrictions on the use of his land shall cancel the special tax assessment privilege retroactive to the date of the [petition] dedication, and all differences in the amount of taxes that were paid and those that would have been due from assessment in the higher use shall be payable with an eight per cent per year penalty from the respective dates that these payments would have been due. Failure to observe the restrictions on the use means failure for a period of over [one calendar year] twelve consecutive months to use the land in the manner requested in the petition or the overt act of changing the use for any period. Nothing in this subsection shall preclude the State from pursuing any other remedy to enforce the covenant on the use of the land.”

b. By amending paragraph (f) to read as follows:

“(f) The director of taxation shall prescribe the form of the petition. The petition shall be filed with the director of taxation by [March 1] September 1 of any calendar year and shall be approved or disapproved by [June 15] December 15. If approved, the assessment based upon the use requested in the dedication shall be effective on [July 1] January 1 of the next calendar year.”

SECTION 8. Section 246-18 of the Hawaii Revised Statutes is amended to read as follows:

“**Sec. 246-18 Special tax assessment.** Any property classified as wasteland development property by the director of taxation shall be, for a period of five years, assessed for real property tax purposes at its value as wasteland. The five year period shall commence from [July 1] January 1 of the year following the approval of the application.

SECTION 9. Section 246-23 of the Hawaii Revised Statutes is amended in the following respects:

a. By amending paragraph (a) to read as follows:

“**Sec. 246-23 Claims for certain exemptions.** (a) None of the exemptions from taxation granted in sections 246-26 and 246-29 and 246-33 shall be allowed in any case, unless the claimant shall have filed with the department of taxation, on or before [June 30] December 31 preceding the tax year for which such exemption is claimed, a claim for exemption in such form as shall be prescribed by the department.”

b. By amending the third paragraph of subparagraph (3) of paragraph (d) to read as follows:

“Any person who has a duty of making a report as required by this subsection, who within the time required fails to make a report, shall be liable for a civil penalty. The amount of the penalty shall be \$100 or the amount of the taxes on the property computed without the claim for exemption as of [July 1] January 1 of the year in which the report was due, whichever is lesser. The penalty shall be recovered in accordance with section 231-33. In addition to this penalty, the taxes due on the property plus any additional penalties and interest thereon shall be collected as property taxes and shall

be a lien on the property in accordance with section 246-55.”

c. By amending paragraph (e) to read as follows:

“(e) If the assessor is of the view that, for any [tax] year, the exemption should not be allowed, in whole or in part, he may at any time within five years of [July 1] January 1 of that year disallow the exemption for that year, in whole or in part, and may add to the assessment list for that year the amount of value involved, in the manner provided by section 246-51 for the assessment of omitted property; provided that if an assessment or addition under this subsection is made after [September 25 of] April 9 preceding the tax year, the taxes on the amount of value involved in the assessment or addition so made shall not be a lien under Section 246-55 but may be made a lien as provided for in section 231-33 by recording a certificate setting forth the amount of tax involved, penalties, and interest.”

SECTION 10. Section 246-26 of the Hawaii Revised Statutes is amended in the following respects:

a. By amending subparagraph (C) of subparagraph (2) of paragraph (a) to read as follows:

“(C) That where the taxpayer has acquired his home by a deed made on or after July 1, 1951, the deed shall have been recorded on or before [June 30] December 31 immediately preceding the year for which the exemption is claimed;”

b. By amending subparagraph (F) of subparagraph (2) of paragraph (a) to read as follows:

“(F) That such exemption shall be revoked if the home is not occupied by the owner or owners during the first three months of the [tax] calendar year.”

SECTION 11. Section 246-27 of the Hawaii Revised Statutes is amended in the following respects:

a. By amending paragraphs (2) and (3) to read as follows:

“(2) A residential building on land held by the lessee or his successor in interest under a lease for a term of five years or more for residential purposes and owned and used as a residence by the lessee or his successor in interest, where the lease and any extension, renewal, assignment, or agreement to assign the lease, have been duly entered into and recorded prior to [July 1 of] January 1 preceding the tax year for which the exemption is claimed, and whereby the lessee agrees to pay all taxes during the term of the lease;

(3) An apartment which is a living unit (held under a proprietary lease by the tenant thereof) in a multiunit residential building on land held by a cooperative apartment corporation (of which the proprietary lessee of such living unit is a stockholder) under a lease for a term of five years or more for residential purposes and which apartment is used as a residence by the lessee-stockholder, where the lease and any extension or renewal have been duly entered into and recorded prior to [July 1 of] January 1 preceding the tax year for which the exemption is claimed, and whereby the lessee-

stockholder agrees to pay all taxes during the term of the lease provided that:

- (A) The exemption shall not be allowed in respect to any cooperative apartment unit where the owner of the cooperative apartment unit claims exemption on a home or other cooperative apartment unit; and
  - (B) The owner or owners of a cooperative apartment building or premises shall not be permitted exemptions where a husband and wife owner of a cooperative apartment unit own separate cooperative apartment units or separate homes owned by each of them, unless they are living separate and apart, in which case the owner of the cooperative apartment or premises shall be entitled to one-half of one exemption;”
- b. By amending paragraphs (6) and (7) to read as follows:
- “(6) Premises held under an agreement to purchase the same for a home, where the agreement has been duly entered into and recorded prior to [July 1 of] January 1 preceding the tax year for which the exemption is claimed, whereby the purchaser agrees to pay all taxes while purchasing the premises.
  - (7) An apartment which is a living unit (held under a lease by the tenant thereof) in a multi-unit residential building used for retirement purposes under a lease for a term to last during the lifetime of the lessee and his or her surviving spouse and which apartment is used as a residence by the lessee and his or her surviving spouse, and where the apartment unit reverts back to the lessor upon the death of the lessee and his or her surviving spouse, and where the lease has been duly entered into and recorded prior to [July 1 of] January 1 preceding the tax year for which the exemption is claimed, and whereby the lessee agrees to pay all taxes during the term of the lease.”

SECTION 12. Section 246-29 of the Hawaii Revised Statutes is amended by amending the last paragraph to read as follows:

“For the purposes of this section, the word “home” includes the entire homestead when it is occupied by a qualified totally disabled veteran as a home; houses where the disabled veteran owner sublets not more than one room to a tenant; and premises held under an agreement to purchase the same for a home, where the agreement has been duly entered into and recorded prior to [July 1 of] January 1 preceding the tax year for which exemption is claimed, whereby the purchaser agrees to pay all taxes while purchasing the premises.”

SECTION 13. Section 246-33 of the Hawaii Revised Statutes is amended to read as follows:

“**Sec. 246-33 Property used in manufacture of pulp and paper.** All property in the State, both real and personal, actually and solely used or to be used, whether by the owner or lessee thereof, in connection with the manufacture of pulp and paper from bagasse fibre, shall be exempt from property

taxes for a period of five years from the first day of [July] January following commencement of construction of a plant or plants on the property for such purpose.”

SECTION 14. Section 246-33.1 of the Hawaii Revised Statutes is amended to read as follows:

“**Sec. 246-33.1 Crop shelters.** Any other law to the contrary notwithstanding, any permanent structure constructed or installed on any taxable real property consisting of frames or supports and covered by rigid plastic, fiber glass, or other rigid and semi-rigid transparent or translucent material, and including wooden laths, used primarily for the protection of crops shall be exempted in determining and assessing the value of such taxable real property for ten years or for a period of ten years from the first day of [July] January following commencement of construction or installation of the structure on the property for such purpose; provided that any temporary structure so constructed or installed and covered by flexible plastic or other flexible transparent or translucent material, used for such purpose, shall be so exempted not subject to the ten year limitation; provided, further, that such exemption shall continue only so long as the structure is maintained in good condition. Only structures used for commercial agricultural or horticultural purposes shall be included in the exemption.”

SECTION 15. Section 246-34 of the Hawaii Revised Statutes is amended by amending paragraphs (d) and (e) to read as follows:

“(d) Failure of the owner to observe the restrictions on the use, improvement, and maintenance of his land shall cancel the special tax exemption privilege retroactive to the date of the original [petition] dedication, and all differences in the amount of taxes that were paid and those that would have been due from the assessment of the tax exempted portion of his land shall be payable together with interest of five per cent a year from the respective dates that these payments would have been due. Failure to observe the restrictions on the use means failure for a period of over [one calendar year] twelve consecutive months to use, improve, and maintain the land in the manner requested in the petition or any overt act changing the use for any period. Nothing in this paragraph shall preclude the State from pursuing any other remedy to enforce the covenant on the use of the land.

(e) The director shall prescribe the form of the petition. The petition shall be filed with the director by [March 1] September 1 of any calendar year and shall be approved or disapproved by [June 15] December 15 of such year. If approved, the exemption based upon the use requested in the dedication shall be effective [July 1] January 1, next.”

SECTION 16. Section 246-36 of the Hawaii Revised Statutes is amended in the following respects:

a. By amending subparagraphs (A), (B) and (C) of paragraph (1) to read as follows:

“(A) Property held on [July 1 of] January 1 preceding the tax year under an agreement for its conveyance by the government to private



persons shall be deemed fully taxable, the same as if the conveyance had been made;

- (B) Property held on [July 1 of] January 1 preceding the tax year under a government lease shall be entered in the assessment lists and such tax rolls for that year as fully taxable for the entire tax year, but adjustments of the taxes so assessed may be made as provided in section 246-53, so that such tenants are required to pay only so much of the taxes as is proportionate to the portion of the tax year during which the real property is held or controlled by them;
- (C) Property held under a government lease commencing after [July 1 of] January 1 preceding the tax year or under an agreement for its conveyance or a conveyance by the government, made after [July 1 of] January 1 preceding the tax year, shall be assessed as omitted property as provided in section 246-51, but the taxes thereon shall be prorated so as to require the payment of only so much of the taxes as is proportionate to the remainder of the tax year;"

b. By amending subparagraphs (i) and (ii) of subparagraph (E) of paragraph (1) to read as follows:

- "(i) Property held on [July 1 of] January 1 preceding the tax year under an agreement for the conveyance of the same by the government to private persons shall be deemed fully taxable, the same as if the conveyance had been made, but the assessment thereof shall not impair and shall be so made as to not impair, any right, title, lien, or interest of the United States.
- (ii) Property held under an agreement for the conveyance of the same or a conveyance of the same by the government, made after [July 1 of] January 1 preceding the tax year, shall be assessed as omitted property as provided in section 246-51, but the taxes thereon shall be prorated so as to require the payment of only so much of such taxes as is proportionate to the remainder of the tax year, and in the case of property held under an agreement for the conveyance of the same but not yet conveyed, the assessment thereof shall not impair, and shall be so made as to not impair, any right, title, lien, or interest of the United States."

c. By amending paragraphs (3), (4), and (5) to read as follows:

- "(3) Subject to section 101-39(B), any real property in the possession of the State or any county which is the subject of eminent domain proceedings commenced for the acquisition of the fee simple estate in such land by the State or such county; provided the fact of such possession has been certified to the department of taxation as provided by section 101-36 or 101-38, or is certified not later than [June 30] December 31 preceding the tax year for which such exemption is claimed.
- (4) Real property with respect to which the owner has granted to the State or any county thereof a right of entry and upon which the State or county has entered and taken possession under the authority of the right of entry with intention to acquire the fee simple es-

- tate therein and to devote the real property to public use; provided the State or county shall have, prior to [June 30] December 31 preceding the tax year for which the exemption is claimed, certified to the appropriate tax official the date upon which it took possession;
- (5) Any portion of real property within the area upon which construction of buildings is restricted or prohibited and which is actually rendered useless and of no value to the owners thereof by virtue of any ordinance of any county, establishing setback lines thereon; provided, that in order to secure the exemption the person claiming it shall annually file between [June 15 and June 30] December 15 and December 31 preceding the applicable tax year a sworn written statement with the tax assessor describing the real property in detail and setting forth the facts upon which exemption is claimed, together with a written agreement that in consideration of the exemption from taxes he will not make use of the land in any way whatsoever during the ensuing year. Any person who has secured such exemption who violates the terms of the agreement shall be fined twice the amount of the tax which would be assessed upon the land but for such exemption;"

SECTION 17. Section 246-37 of the Hawaii Revised Statutes is amended by amending paragraph (b) to read as follows:

"(b) The tax shall be assessed to and collected from such lessee as nearly as possible in the same manner and time as the tax assessed to owners of real property, except that the tax shall not become a lien against the property. In case the use or occupancy is in effect on [July 1 of] January 1 preceding the tax year, the lessee shall be assessed for the entire year but adjustments of the tax so assessed shall be made in the event of the termination of the use or occupancy during the year so that the lessee is required to pay only so much of the tax as is proportionate to the portion of the tax year during which the use or occupancy is in effect, and the tax assessor and tax collector of the district in which the property is situated are hereby authorized to remit the tax due for the balance of the tax year. In case the use or occupancy commences after [July 1 of] January 1 preceding the tax year, the lessee shall be assessed for only so much of the tax as is proportionate to the period that the use or occupancy bears to the tax year.

The assessment of the use or occupancy of real property made under this section shall not be included in the aggregate value of taxable realty for the purposes of section 248-2 but each board of supervisors or city council, at the time that it is furnished with information as to the value of taxable real property, shall also be furnished with information as to the assessments made under this section, similarly determined but separately stated.

If a use or occupancy is in effect on [July 1 of] January 1 preceding the tax year, the assessment shall be made and listed for that year and the notice of assessment shall be given to the taxpayer in the manner and at the time prescribed in section 246-43; and when so given, the taxpayer, if he deems himself aggrieved, may appeal as provided in section 246-46; if a use or occupancy commences after [July 1 of] January 1 preceding the tax year or if for

any reason an assessment is omitted for any tax year, the assessment shall be made and listed and notice thereof shall be given in the manner and at the time prescribed in section 246-43, and an appeal from an assessment so made may be taken as provided in section 246-51.”

SECTION 18. Section 246-40 of the Hawaii Revised Statutes is amended by amending the first paragraph to read as follows:

“**Sec. 246-40 Returns, made when; form; open to public.** Whenever the department of taxation finds that the filing of returns under this paragraph is advisable for the making of assessments and so orders, the assessor shall give, to the taxpayers of his district during the month of [~~June~~] December, of the year such order is made, public notice (by publication thereof, in English, at least three times on different days during the month, in a newspaper of general circulation in such district, published in the English language) requiring such taxpayers to file with the assessor, on or before [~~July 15~~] January 15 of the succeeding year, returns in the manner and form required by this section. After such publication of notice, every person owning, or having possession, custody, or control of, real property in the district, whether entitled to exemption or not, shall, during the month of [~~July~~] January, file upon forms prescribed by the department and in the manner required by such forms, a return signed as provided in section 231-15 setting forth the description and location of all real property in the district belonging to such person or of which he had possession, custody, or control on [~~July 1~~] January 1, and setting forth the taxpayer’s opinion of the fair market value thereof as of such [~~July 1~~] January 1. It shall be sufficient to describe his property by setting forth the location and a brief description in sufficient detail to identify the property.”

SECTION 19. Section 246-43 of the Hawaii Revised Statutes is amended to read as follows:

“**Sec. 246-43 Notice of assessments; addresses of persons entitled to notice.** On or before [~~August 31 of~~] March 15 preceding the tax year, the director of taxation shall give notice of the assessment for the tax year against each known owner, by personal delivery to the owner or by mailing to him on or before such date postage prepaid and addressed to him at his last known place of residence or address a written notice identifying the property involved by the tax key and the general class established in accordance with subsection 246-10(d) and setting forth separately the valuation placed upon buildings, and the valuation placed upon all other real property, exclusive of buildings, determined pursuant to section 246-10(a), the exemption, if any, allowed or denied, as the case may be, and the amount of the exemption applied to the buildings and the amount applied to all other real property, exclusive of buildings, and the net taxable value of the buildings and the net taxable value of all other real property, exclusive of the buildings.

In addition to the foregoing, the assessor of each district shall in each year give notice of the assessments in his district for the year by public notice (by publication thereof in English at least three times on different days during

the month of [August] March of such year in a newspaper of general circulation in the district, published in the English language) of a time when (which shall be not less than a period of ten days prior to [August 31 of] March 31 preceding the tax year) and of a place where the records of taxable properties maintained in the district showing all assessments made for the district may be inspected by any person for the purpose of enabling him to ascertain what assessments have been made against him or his property and to confer with the assessor so that any errors may be corrected before the filing of the assessment list.”

SECTION 20. Section 246-44 of the Hawaii Revised Statutes is amended to read as follows:

“**Sec. 246-44 Assessment lists.** On or before [September 30 of] April 19 preceding the tax year the director of taxation shall have prepared from the records of taxable properties maintained in each district a list in triplicate of all assessments made for each district, which list shall be signed and sworn to by the person preparing it. The assessment list shall identify the property assessed by its tax key and shall set forth the general class of the property established in accordance with section 246-10(d), the valuation of buildings and the valuation of all other real property, exclusive of buildings, the amount of exemption allowed on buildings and the amount of exemption allowed on all other real property, exclusive of the buildings, and the net taxable value of the buildings and the net taxable value of all other real property, exclusive of the buildings. The assessment list shall be the lists in accordance with which taxes shall be collected, subject only to change made by any court or other tribunal having jurisdiction, where appeals from assessments have been duly taken and prosecuted to final determination, and subject to section 231-22. There shall be noted upon such lists all appeals taken for the year and the amounts involved in each case. The original of the assessment lists shall be retained by the assessor and a duplicate of the information contained in the list shall be retained by the director. The lists may be made up of a separate sheet or card for each property. The director shall furnish a duplicate list to the county in such form and at such time as will not interfere with the preparation of those records needed for tax collection purposes.”

SECTION 21. Section 246-46 of the Hawaii Revised Statutes is amended as follows:

“**Sec. 246-46 Appeals.** Any taxpayer who may deem himself aggrieved by an assessment made by the assessor or by the assessor’s refusal to allow any exemption, may appeal from the assessment or from such refusal to a board of review or the tax appeal court, on or before [September 25 of] April 9 preceding the tax year, as provided in chapter 232. Where such an appeal is based upon the ground that the assessed value of the real property for tax purposes is excessive, the valuation claimed by the taxpayer in the appeal shall be admissible in evidence, in any subsequent condemnation action involving the property, as an admission that the fair market value of the real property as of the date of assessment is no more than the value arrived at when the assessed value from which the taxpayer appealed is adjusted to one hundred per

cent fair market value; provided that such evidence shall not in any way affect the right of the taxpayer to any severance damages to which he may be entitled.

The chairman of the board of supervisors or the board of supervisors of any county or the mayor or the city council of the city and county of Honolulu may appeal any assessment of real property located within the respective county which, in his or its judgment, does not fairly represent the fair market value of the property assessed when compared with other property in the same county of similar character and value, and may likewise appeal from the allowance of an exemption of any property when the exemption is not authorized by law. The appeal shall be taken to a board of review or the tax appeal court on or before [September 25 of] April 9 preceding the tax year. In any appeal taken by a county, the county shall be a party in interest with the same right of appeal from the decision of the board of review and tax appeal court as is allowed a taxpayer under chapter 232.

Any taxpayer who has an interest in an appeal taken by the county may intervene.”

SECTION 22. Section 246-48 of the Hawaii Revised Statutes is amended to read as follows:

“Sec. 246-48 Taxes; due when; installment payments; billing and delinquent dates. All real property taxes shall be due and payable on and after July 1 of each tax year and the payment thereof shall be determined in the following manner:

All known persons assessed for real property taxes shall be billed not later than the billing date designated in the schedule listed herein; subject however, to the limitations heretofore provided in section 246-47. Each taxpayer shall pay the real property taxes due from him, for the year in which the taxes are assessed, in two equal installments on or before the dates designated [for the group to which his parcel is assigned. The director of taxation shall, in each year, arrange the total parcels of real property in each taxation district into two groups designated as Groups I and II. He shall then assign each parcel to one of these groups in such a manner as to insure that approximately 25 percent of the estimated real property taxes for the current year are due on each of the four payment dates designated] in the following schedule:

	Fiscal Year Schedule		
	(Billing Date)	(1st Payment)	(2nd Payment)
[Group I	November 5	November 20	May 20
Group II	November 15	November 30	May 30]
	<u>July 20</u>	<u>August 20</u>	<u>February 20</u>

All such taxes due on the first payment date of such year from each taxpayer [in each respective group], which remain unpaid after the date, shall thereupon become delinquent, and the balance of such taxes due on the second payment date of such year from each taxpayer [in each respective group], which remain unpaid after the date, shall thereupon become delinquent.”

SECTION 23. Section 246-52 of the Hawaii Revised Statutes is amended to read as follows:

**“Sec. 246-52 Reassessments.** Any property assessed to a person or persons who did not have record title upon [July 1 of] January 1 preceding the tax year in which the assessment is made, may be, and in any case where the attempted assessment of property is void or so defective as to create no real property tax lien on the property and the taxes have not been fully collected the property shall be, assessed as omitted property in the manner provided by section 246-51.”

SECTION 24. Section 246-55 of the Hawaii Revised Statutes is amended by amending the first paragraph to read as follows:

**“Sec. 246-55 Tax liens; co-owners’ rights; foreclosures; limitation.** Every tax due upon real property, as defined by section 246-1, shall be a paramount lien upon the property assessed, which lien shall attach as of [July 1 in] January 1 preceding each tax year and shall continue for six years. If proceedings for the enforcement or foreclosure of the lien are brought within the applicable period hereinabove designated, the lien shall continue until the termination of the proceedings or the completion of such sale.”

SECTION 25. Section 248-2 of the Hawaii Revised Statutes is amended in the following respects:

a. By amending paragraph (b) to read as follows:

“(b) The board of supervisors or the city council of each county shall determine the tax rates for buildings and for all other real property, exclusive of buildings; for each class of property established in accordance with subsection 246-10(d); provided that the board or council shall determine a single tax rate to be applied to net taxable real property, for each class of property within category I. Such rates shall be determined for each tax year, by resolution adopted in the manner provided by law relating to resolutions involving the expenditure of public money; provided that after introduction of the resolution and before final action on the same, a public hearing shall be held thereon after publication of notice thereof in a newspaper of general circulation in the county in which the rates are to be fixed, which notice shall be published not less than ten days before the hearing and shall set forth the tax rates under consideration by the board or council; and provided further that upon the final reading, subsequent to the public hearing of any resolution for the adoption of such rates, the board of supervisors or the city council may fix such rates at an amount differing from that originally proposed or under consideration when the notice of public hearing was published. The resolution fixing the tax rates in each county shall be adopted on or before [October 26 of] June 20 preceding the tax year for which property tax revenues are to be raised.”

b. By amending paragraph (f) to read as follows:

“(f) The director of taxation shall on or before [October 5 of] May 1 preceding the tax year furnish each board and council with a calculation certified by him as being as nearly accurate as may be, of the net taxable real

property within the county, separately stated for each class established in accordance with subsection 246-10(d) for net taxable lands and for net taxable buildings plus such additional data relating to the property tax base as may be necessary.”

SECTION 26. Section 154-2 of the Hawaii Revised Statutes is amended to read as follows:

“**Sec. 154-2 Eligibility; application.** The owner of any property which is suitable for the raising of merchantable fruits or nuts having a normal period of development from the initial time of planting to the first harvest of not less than three years and which contains an area sufficient to make the undertaking economically feasible may apply to the board of agriculture for the classification of his property as orchard property.

The board shall prescribe the form of application. The application shall be filed with the board by [January 1] July 1 of any calendar year.”

SECTION 27. Section 154-3 of the Hawaii Revised Statutes is amended by amending the first paragraph to read as follows:

“**Sec. 154-3 Classification, appeal.** Upon a finding by the board of agriculture that the property described in the application is eligible for classification as orchard property, the board shall, on or before [March 1] September 1 immediately following the date of filing of the application, notify the department of taxation in writing of its finding. Within seventy-five days after receipt of the notification, the department of taxation shall make a finding of fact as to the highest and best use of the property and shall inform the board of its finding in writing. The finding shall be based upon all available information on soils, climate, land use trends, use of surrounding similar lands, and other criteria as may be appropriate and shall specify the orchard crop, if any, which is best suited for the property.”

SECTION 28. Section 154-5 of the Hawaii Revised Statutes is amended to read as follows:

“**Sec. 154-5 Exemption from real property tax.** Orchard property, during the period of such classification, shall be exempt from real property taxes set forth in chapter 246; provided that this exemption shall take effect as of [July 1 of] January 1 preceding the tax year following the execution of the agreement provided in section 154-4 and shall in any event terminate on [June 30] December 31 of the [tax] year of expiration of the agreement.”

SECTION 29. Section 186-4 of the Hawaii Revised Statutes is amended by amending the first paragraph to read as follows:

“**Sec. 186-4 Classification.** If the board of land and natural resources finds that the property identified in the application is suitable for the raising of trees of commercial species, in quantity sufficient to establish a business in the sale thereof, the board shall notify the department of taxation, in writing and by [March 1] September 1, of its finding. Then the department of taxation shall, by [May 15] November 15, make a finding of fact as to the highest and best use of the property and shall inform the board of its findings in writ-

ing. The determination as to the highest and best use of the property shall be based upon all available information on soils, climate, land use trends, watershed values, present use of surrounding similar lands, and other criteria as may be appropriate.”

SECTION 30. Section 186-7 of the Hawaii Revised Statutes is amended to read as follows:

“**Sec. 186-7 Exemption from real property tax.** Any property classified as tree farm property by the board of land and natural resources and the department of taxation shall not, as long as the agreement described in section 186-5 is in effect, be subject to the real property tax set forth in chapter 246 provided that this exemption shall take effect as of [July 1] January 1 of the year following the execution of the agreement.”

SECTION 31. Section 232-4 of the Hawaii Revised Statutes is amended to read as follows:

“**Sec. 232-4 Second appeal.** In every case in which a taxpayer appeals a real property tax assessment to a board of review or to a tax appeal court and there is pending an appeal of the assessment, the taxpayer shall not be required to file a notice of the second appeal; provided the first appeal has not been decided prior to [September 25 of] April 9 preceding the tax year of the second appeal; and provided further the assessor gives notice that the tax assessment has not been changed from the assessment which is the subject of the appeal.”

SECTION 32. Section 232-7 of the Hawaii Revised Statutes is amended in the following respect:

a. By amending paragraph (b) to read as follows:

“(b) Each board shall hold public meetings at some central location in its taxation district, commencing not later than [September 25] April 9 of each year and shall hear, as speedily as possible, all appeals presented for each year. Each board shall have the power and authority to decide all questions of fact and all questions of law, excepting questions involving the Constitution or laws of the United States, necessary to the determination of the objections raised by the taxpayer or the county in the notice of appeal; provided that no board shall have power to determine or declare an assessment illegal or void. Without prejudice to the generality of the foregoing, each board shall have power to allow or disallow exemptions pursuant to law whether or not previously allowed or disallowed by the assessor and to increase or lower any assessment.”

b. By amending paragraph (d) to read as follows:

“(d) Upon completion of its review of the property tax appeals for the current year, the board shall compile and submit to the governor, and shall file with the assessor for the use of the public, a copy of a report covering such features of its work as, in the opinion of the board, will be useful in attaining the objectives set forth in chapter 246. In this report the board shall additionally note instances in which, in the opinion of the board, the assessor, in the application of the methods selected by him, erred as to a particular property or



particular properties not brought before the board by any appeal, whether the error is deemed to have been by way of underassessment or overassessment. Before commencing this phase of its work the board shall publish, during the first week of [March] September, a notice specifying a period of at least ten days within which complaints may be filed by any taxpayer or county. Each complaint shall be in writing, shall identify the particular property involved, shall state the valuation claimed by the taxpayer or county and the grounds of objection to the assessment, and shall be filed with the assessor who shall transmit the same to the board. Not earlier than one week after the close of the period allowed for filing complaints the board shall hear the same, after first giving reasonable notice of the hearing to all interested taxpayers, the county, and the assessor. Like notice and hearing shall be given in order for the board to include in its report any other property not brought before it by an appeal. The board may proceed by districts designated by their tax map designation, and may from time to time publish the notice above provided for as the work proceeds by districts."

SECTION 33. Section 239-3 of the Hawaii Revised Statutes is amended to read as follows:

"**Sec. 239-3 Exemption from real property taxes.** In order to secure under this chapter an exemption of real property from the taxes imposed by chapter 246, a public utility shall annually file with the tax assessor on or before [June 30] December 31 preceding the tax year, a return of such property in such form as shall be prescribed by the director, setting forth its claim to the exemption. The claim may include real property under lease to the public utility, under which lease the public utility is required to pay the taxes upon the property, and the claim to exemption shall be determined the same as if the public utility were the owner of the property."

SECTION 34. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the Revisor of Statutes need not include the brackets, the bracketed material, or the underscoring.

SECTION 35. This Act shall take effect on January 1, 1977, except that the date for the second installment payment shall remain in effect through May, 1977.

(Approved May 30, 1975.)

ACT 158

H.B. NO. 927

A Bill for an Act Relating to Theft.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 831, as amended, of the Hawaii Penal Code, Title 37, Hawaii Revised Statutes, is amended to read as follows:

"**Section 831—Theft in the first degree.** (1) A person commits the offense of theft in the first degree if he commits theft: (a) By obtaining property from the person of another; or (b) Of property or services the value of which ex-

ceeds \$200; or (c) Of a firearm; or (d) Of dynamite or other explosives; or (e) By having in his possession the carcass or meat of bovine, equine, swine, or sheep, while in or upon premises which he entered knowingly or remained unlawfully in or upon, and which are fenced or enclosed in a manner designed to exclude intruders.

(2) Theft in the first degree is a class C felony except in the event of extortion, in which case theft in the first degree is a class B felony.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the bracketed material, or the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 30, 1975.)

A Bill for an Act Relating to Health Planning.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. **Purpose.** The legislature finds that Public Law 93-641, the National Health Planning and Resources Development Act of 1974, will have a direct impact on health planning approaches and processes in the State. The impetus for the new health planning and resources development act was based on the federal government’s assessment that there existed a need to strengthen and coordinate planning for personal health services and facilities development. Prior to the enactment of Public Law 93-641, health planning activities were funded under section 314(a) and 314(b) of the Public Health Services Act. Such activities have been reported to be only marginally successful. Among the reasons given for the failure of the present comprehensive health planning activities and programs are inadequate statutes, inadequate funding, and inadequate authority to implement recommendations.

It is further indicated that the greatest contributor to the costs of medical services is the investment in costly health care resources such as facilities and equipment. There is evidence that overbuilding of facilities has occurred in many areas.

The new planning legislation would provide a coordinated system of health planning linking planning for health services with facilities development. The key factor for state consideration is the process of health planning. Under the concept of the new federal statute, local input into health planning would be generated through the designation of health service areas which would be served by health systems agencies. The state health plan would be an integration and coordination of local needs within state guidelines. In addition, accompanying the health plan would be a state medical facilities plan which would establish facilities development priorities based on the state health plan.

\*Edited accordingly.

As intended by Congress, Public Law 93-641 would replace the Comprehensive Health Planning, Regional Medical Program and the Hill-Burton authorities which presently are ongoing programs in the State.

The purpose of this Act is to amend state law to conform with the requirements for federal funding in health planning and resources development under Public Law 93-641.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

## **“CHAPTER HEALTH PLANNING AND RESOURCES DEVELOPMENT**

### **PART I. GENERAL PROVISIONS**

**Sec. -1 Purpose.** The purpose of this chapter is to establish a health planning and resources development program to assure the people of the State accessibility to quality health care through the development of health delivery systems.

**Sec. -2 Definitions.** As used in this chapter:

- (1) “Annual implementation plan” means the annual program plan pursuant to section -19.
- (2) “Health service area” means a geographic area designated by the governor and as accepted or revised by the secretary for effective planning and development of health services pursuant to Public Law 93-641, section 1511(b).
- (3) “Health systems agency” means an agency with primary responsibility for health planning in a health service area designated pursuant to Public Law 93-641.
- (4) “Health systems plan” means the health plan for the development of health services, manpower, and facilities development to meet identified needs of the health service areas and other requirements of Public Law 93-641 and regulations established thereunder.
- (5) “Secretary” means the secretary of the United States Department of Health, Education and Welfare.
- (6) “State agency” means the state health planning and development agency established in section -11.
- (7) “State health plan” means the comprehensive, coordinated plan for the development of health services in the State prepared by the statewide council.
- (8) “State medical facilities plan” means the comprehensive medical facilities plan pursuant to section -31.
- (9) “Statewide council” means the statewide health coordinating council established in section -13.

### **PART II. STATE HEALTH PLANNING AND DEVELOPMENT PROGRAM**

**Sec. -11 State health planning and development agency.** There is es-

established within the department of health for administrative purposes only, the state health planning and development agency. The state agency shall be headed by an administrator who shall be appointed by the governor. The state agency shall administer the state health planning activities pursuant to Public Law 93-641 or other subsequent Acts of Congress which may amend, repeal, or succeed Public Law 93-641.

**Sec. -12 Functions; state agency.** The state agency shall:

- (1) Conduct the health planning activities of the State and implement those parts of the state health plan and plans of the health systems agencies within the State which relate to state government.
- (2) Prepare, review, and annually revise the preliminary state health plan pursuant to Public Law 93-641, section 1523(a) (2).
- (3) Assist the statewide council in reviewing the state medical facilities plan pursuant to section -31.
- (4) Administer the state certificate of need program pursuant to part IV of this chapter and serve as designated planning agency under Title XI, Sec. 1122 of the Social Security Act, as amended.
- (5) Determine the need for new institutional health services proposed by health systems agencies.
- (6) Review on a periodic basis all institutional health services offered in the State respecting the appropriateness of such activities.
- (7) Do all things necessary as required by federal and state laws.

**Sec. -13 Statewide health coordinating council.** (a) There is established a statewide health coordinating council which shall be advisory to the state agency pursuant to Public Law 93-641, section 1524.

(b) The statewide council shall be appointed by the governor in accordance with section 26-34. The membership of the statewide council shall consist of:

- (1) Not less than sixteen persons appointed from lists of at least five nominees submitted to the governor by each health systems agency.
- (2) At least two representatives from each health systems agency; provided not less than one-half shall be consumers of health care and not providers of health care;
- (3) Not less than fifty-one per cent of the membership shall be consumers of health care.
- (4) Not less than one-third of the providers of health care shall be direct providers of health care.

In addition, the governor may appoint public elected and appointed officials and other representatives of governmental authorities who shall make up not more than forty per cent of the total membership of the statewide council.

(c) The statewide council shall select a chairman from among its members. The members of the statewide council shall not be compensated but shall be reimbursed for necessary expenses incurred in the performance of their duties.

**Sec. -14 Functions; statewide health coordinating council.** The statewide council shall:

- (1) Coordinate and annually review the health service plan and the annual implementation plan and budget of each health systems agency and submit a report of its comments on such health services plan and annual implementation plan to the secretary as required under section 1524(c) of Public Law 93-641.
- (2) Prepare, review, and revise the state health plan.
- (3) Review annually the budget of each health systems agency and submit its comments to the secretary pursuant to section 1524(c) of Public Law 93-641.
- (4) Review applications submitted by health systems agencies for planning and medical facilities grants pursuant to sections 1516 and 1640, respectively, of Public Law 93-641, and submit a report of its comments to the secretary pursuant to section 1524(c) (4) of Public Law 93-641.
- (5) Advise the state agency on matters relating to its functions.
- (6) Review annually, approve or disapprove any state plan and any applications for funds under Public Law 93-641, the Community Mental Health Centers Act, and the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 pursuant to Public Law 93-641, section 1524(c) (6).

**Sec. -15 State health plan.** There shall be a state health plan which shall include an integration of the health systems plans of the health systems agencies within the State to provide a comprehensive and coordinated statewide health care system.

**Sec. -16 Health service areas; designation.** The governor may designate health service areas within the State pursuant to section 1511 of Public Law 93-641.

**Sec. -17 Health systems agency.** A health systems agency within a health service area shall be a nonprofit private corporation only engaged in health planning and development functions, or a public regional planning body, or a single unit of local government, as required under Public Law 93-641.

**Sec. -18 Functions; health systems agency.** The health systems agency shall be the agency with primary responsibility for health planning in its designated health service area and shall carry out such other functions required of a health systems agency under Public Law 93-641. In addition, the health systems agency shall develop and implement an annual health systems plan which shall include but not be limited to the development of health services, manpower and facilities to meet identified needs of the health service area. The health systems agency may establish subarea advisory councils to advise the governing body of the agency on the performance of its functions.

**Sec. -19 Annual implementation plan.** The health systems agency shall establish, annually review and amend, as necessary, an annual implementation plan which shall consist of a statement of goals and objectives, a list of priorities for those goals and objectives, and specific programs and projects for achieving stated goals and objectives.

**Sec. -20 Public hearings required.** In the preparation of the state

health plan and the health systems plan of health systems agencies, or any amendments of such plans, the state agency, the statewide council, and the health systems agency, as the case may be, shall conduct a public hearing on such proposed plans and shall comply with chapter 91, Public Law 93-641, and regulations established by the secretary.

**PART III. STATE MEDICAL FACILITIES**

**Sec. -31 State medical facilities plan.** The state agency shall prepare and administer a state medical facilities plan which shall be approved by the statewide council and be submitted to the secretary for approval pursuant to section 1603 of Public Law 93-641 and any regulations adopted thereunder. In addition, the state agency shall perform all duties and responsibilities required under Title XVI of Public Law 93-641.

**Sec. -13 Public hearings required.** In the preparation of the state medical facilities plan, the statewide council shall conduct public hearings on the proposed plan and shall adopt the plan under chapter 91.

**Sec. -33 Conformance with state health plan.** The state medical facilities plan shall be consistent with the state health plan.

**PART IV. CERTIFICATE OF NEED**

**Sec. -41 Definitions.** In addition to the definitions in section -2:

- (1) "Applicant" means any person, as defined in section 1-19, who applies for a certificate of need under this part.
- (2) "Certificate of need" means an authorization, when required pursuant to section -43, to construct, expand, alter, or convert a health care facility or to initiate, expand, or modify a health care service.
- (3) "Construct," "expand," "alter," "convert," "initiate," or "modify" includes the erection, building, reconstruction, modernization, improvement, or establishment of a health care facility or health care service; the purchase or acquisition of equipment attendant to the delivery of health care service and the instruction of supervision therefor; and studies, surveys, designs, plans, working drawings, specifications, procedures, and other actions necessary for any such undertaking, which will:
  - (A) Result in a total capital expenditure in excess of \$100,000,
  - (B) Substantially modify, decrease, or increase the scope or type of health service rendered, or
  - (C) Increase, decrease, or change the class of usage of the bed complement of a health care facility.
- (4) "Health care facility" and "health care service" include any program, institution, place, building, or agency, or portion thereof, private or public, other than federal facilities or services, whether organized for profit or not, used, operated, or designed to provide medical diagnosis, treatment, nursing, rehabilitative, or preventive care to any person or persons. The terms include, but are not limited to, health care facilities and health care services commonly referred to as hospitals, extended care and rehabilitation centers, nursing

homes, intermediate care facilities, out-patient clinics, ambulatory care facilities, emergency care facilities and centers, community mental health and mental retardation centers, home health agencies, health maintenance organizations, and others providing similarly organized services regardless of nomenclature.

- (5) "Review panel" means the panel designated by the state agency to study applications for proposed capital expenditures by health care facilities pursuant to Public Law 92-603, section 221, and applications for certificates of need under this part.
- (6) "Substantially modify, decrease, or increase the scope or type of health service" refers to the addition of a clinically related (i.e., diagnostic, curative, or rehabilitative) service not previously provided or the termination of such a service which had previously been provided.

**Sec. -42 Review panel.** There is established a review panel for the purposes of reviewing applications for certificates of need. The review panel shall include but not be limited to representatives from each health service area and the chairman of the statewide council and a majority of the members shall be consumers. Membership on the statewide council shall not preclude membership on the review panel established in this section.

**Sec. -43 Certificates of need.** (a) No person, public or private, non-profit or for profit, shall:

- (1) Construct, expand, alter, convert, initiate, or modify a health care facility or health care service in the State which requires a total capital expenditure in excess of \$100,000; or
- (2) Substantially modify, decrease, or increase the scope or type of health service rendered; or
- (3) Increase, decrease, or change the class of usage of the bed complement of a health care facility,

unless a certificate of need therefor has first been issued by the state agency.

(b) No certificate of need shall be issued unless the state agency has first determined that there is a public need for the facility or the service. Each certificate of need issued shall be valid for a period of one year from the date of issuance unless the period is extended for good cause by the state agency.

(c) The state agency shall, after consultation with the statewide council and the review panel, establish criteria, which shall be reviewed from time to time in order to maintain compliance with applicable federal law and the purposes of this part, which shall be considered by the state agency in its determinations on certificates of need, including, but not limited to criteria related to:

- (1) Health care needs,
- (2) The state health plan prescribed in section -15 and the state medical facilities plan pursuant to section -31,
- (3) Relationships among existing health care facilities and health care services,
- (4) Costs,
- (5) Quality of health care,

- (6) Accessibility of health care,
- (7) Feasibility with respect to financial and personnel resources, and
- (8) Availability of evaluation mechanisms, including mechanisms for supplying information to the health planning agency as require in section -44(a).

**Sec. -44 Applications for certificates of need.** (a) An applicant for a certificate of need shall file an application with the state agency which shall provide technical assistance to the applicant and, after all necessary information has been supplied by the applicant in the required number of copies, transmit the application to the appropriate individuals and public agencies.

(b) The state agency shall either approve or deny an application within ninety days after filing unless, within sixty days after filing, the state agency notifies the applicant in writing that the period for considering the application has been extended. The state agency may extend the period within which a determination shall be made on an application, if necessary for obtaining additional information about the application. If a certificate of need has not been issued or denied in writing within one hundred fifty days after filing and completion of the application, the failure of the state agency to issue or deny the certificate of need is equivalent to approval of the application, and at the request of the applicant, the state agency shall issue the certificate of need.

(c) The state agency may provide by rules adopted in conformity with chapter 91, for the issuance of certificates of need upon the unanimous recommendation by the chairman of the statewide council, the chairman of the governing body of the applicable health systems agency, and the chairman of the review panel, for those applications for which the procedures set forth in section -45 would be infeasible because of emergency or other unusual circumstances.

**Sec. -45 Review panel recommendations for issuance or denial of certificates of need.** Except as provided in section -44(c), the state agency shall refer every application for a certificate of need to the review panel. The review panel in studying each application shall consider all relevant data and information submitted by the state agency and the governing body of the applicable health systems agency, and other areawide or local bodies created under Public Law 93-641 and may request from them and from the applicant additional data and information. The review panel shall submit its recommendations with findings to the state agency within such time as the state agency prescribes.

**Sec. -46 Denial of applications; judicial review.** If an application for a certificate of need is denied, the state agency shall give notice to the applicant in writing stating the grounds for the denial. An applicant who considers himself aggrieved by the denial may appeal in the manner provided in chapter 91 to the circuit court of the circuit in which he resides or in the circuit in which the health care facility or health care service is or was planned to be located.

**Sec. -47 Certificates of need, licenses and permits.** No permit or li-



cense shall be issued by any county or state officer for the construction, expansion, alteration, conversion, initiation, or modification of a health care facility or health care service or for the operation of a new health care facility or health care service unless there is submitted in connection with the application for such permit or license a current certificate of need issued by the state agency or a statement issued by the state agency that the health care facility or health care service is not required to hold a certificate of need under this part.

**Sec. -48 Certificates of need, penalties.** Any person who violates any provision of this part, or rules thereunder, with respect to the requirement for certificates of need shall be guilty of a misdemeanor for each seven-day period or fraction thereof that the violation continues. Each subsequent seven-day period shall constitute a separate offense.

**Sec. -49 Exemptions from certificate of need requirements.** Nothing in this part or rules thereunder with respect to the requirement for certificates of need applies to:

- (1) Private office or clinics of physicians, dentists, or other practitioners of the healing arts or laboratories, as defined in section 321-11(12), except in any case of purchase or acquisition of equipment attendant to the delivery of health care service and the instruction or supervision therefor for any such private office or clinic or laboratory involving a total expenditure in excess of \$100,000;
- (2) Dispensaries and first aid stations located within business or industrial establishments maintained solely for the use of employees; provided such facilities do not regularly provide inpatient or resident beds for patients or employees on a daily twenty-four hour basis;
- (3) Dwelling establishments, such as hotels, motels, and rooming or boarding houses that do not regularly provide health care facilities or health care services;
- (4) Any home or institution conducted only for those who, pursuant to the teachings, faith, or belief of any group, depend for healing upon prayer or other spiritual means.

## PART V. GENERAL ADMINISTRATION

**Sec. -61 Personnel.** The administrator of the state agency shall hire necessary personnel under chapters 76 and 77 to carry out the purposes of this chapter.

**Sec. -62 Rules.** The state agency and the statewide council may adopt necessary rules for the purposes of this chapter in accordance with chapter 91."

SECTION 3. Parts II and III of chapter 323, Hawaii Revised Statutes, are repealed.

SECTION 4. The functions of the department of health under part II of chapter 323, and the state comprehensive health planning agency under part III of chapter 323 are transferred to the newly created state health planning and resources development agency established under this Act. The newly

created state health planning and resources development agency shall succeed to all of the rights and powers exercised, and all of the duties and obligations incurred by the department of health and the state health comprehensive health planning agency in the exercise of the functions transferred by this Act, whether such powers, duties, and obligations are mentioned in or granted by any law, contract, or other document. All references in any such law, contract, or document to the department of health or the state comprehensive planning agency in connection with the functions transferred shall apply to the newly created state health planning and development agency.

SECTION 5. All officers and employees of the department of health and the state comprehensive health planning agency subject to chapters 76 and 77, Hawaii Revised Statutes, whose functions are transferred by this Act shall with the same pay and classification, be transferred to positions within the newly created state health planning and development agency established in this Act or to other positions within the State for which they are eligible under the applicable personnel laws of the State, without any loss of seniority, prior service credit, vacation, sick leave, or other employee benefit or privilege, and subsequent changes in status may be made pursuant to chapters 76 and 77, Hawaii Revised Statutes.

No employee of the State having tenure shall suffer any loss of salary, seniority, prior service credit, vacation, sick leave, or other employee benefit or privilege as a consequence of this Act. An employee of the State who does not have tenure and who may be transferred or appointed to a civil service position as a consequence of this Act shall become a civil service employee without loss of salary, seniority, prior service credit, vacation, sick leave or other employee benefits or privileges and without the necessity of examination; provided that such employee possesses the minimum qualifications for the position to which he is transferred or appointed.

SECTION 6. All records, equipment, machines, files, supplies, contracts, books, papers, documents, maps, and other personal property heretofore made, used, acquired, or held by the department of health and the state comprehensive health planning agency relating to the functions transferred to the state health planning and resources development agency in this Act shall be transferred with the functions to which they relate.

SECTION 7. No offense committed and no penalty or forfeiture incurred under parts II and III of chapter 323 shall be affected by this Act, provided that whenever any punishment, penalty, or forfeiture is mitigated by any provisions of this Act, such provision may be extended and applied to any judgment pronounced after the passage of this Act. No suit or prosecution pending at the time this Act takes effect shall be affected by this Act. The right of any administrative officer to institute proceedings for prosecution for an offense or an action to recover a penalty or forfeiture shall henceforth be vested in the administrator of the state health planning and resources development agency of his designee.

SECTION 8. It is the intent of this Act to meet the requirements of Public Law 93-641 so as not to jeopardize the receipt of any federal aid. Not-

withstanding any provisions of this Act, the Governor may adopt a state administrative program and approve such state agency rules as are found necessary for the receipt of federal aid and shall report such action to the legislature at its next session.

SECTION 9. All moneys appropriated to the department of health and the state comprehensive health planning agency relating to the functions transferred by this Act shall be transferred to the newly created state health planning and resources development agency.

SECTION 10. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 11. In the event that the Secretary of Health, Education and Welfare finds that the provisions of section 1536 of Public Law 93-641 are applicable for the State of Hawaii:

- (1) No health service area described in Section -2(2) of section 2 of this Act shall be established;
- (2) No health systems agency described in Section -2(3) of section 2 of this Act shall be established;
- (3) The state agency described in section -2(6) of Section 2 of this Act may in addition to the functions prescribed for in section -12 of Section 2 of this Act and section 1521 of Public Law 93-641, perform the functions prescribed for health systems agencies in this Act and sections 1513 and 1523 of Public Law 93-641 and be eligible to receive grants authorized by sections 1516 and 1640 of Public Law 93-641, and be eligible to receive grants authorized by sections 1516 and 1640 of Public Law 93-641, and
- (4) The governor shall appoint the statewide council prescribed by section -13(a) of Section 2 of this Act and by section 1524 of Public Law 93-641 in accordance with the regulation of the Secretary of Health, Education and Welfare; provided that section -13(b) of Section 2 of this Act shall not apply.

SECTION 12. This Act shall take effect on July 1, 1975 or at any such time as the Governor and the Secretary of the United States Department of Health, Education and Welfare have entered an agreement designating the state health planning and development agency created by this Act as the state health planning and development agency required to be designated under Public Law 93-641 and until the state health planning and development agency is properly funded as determined by the Governor. The functions of the Department of Health under part II of chapter 323 and the comprehensive health planning agency under part III of chapter 323 shall continue until such agreement has been entered and such funding has been determined.

(Approved May 30, 1975.)

A Bill for an Act Relating to the Registration of Lobbyists.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

## “CHAPTER LOBBYISTS

**Sec. -1 Definitions.** When used in this chapter:

- (1) “Administrative action” means the proposal, drafting, consideration, amendment, enactment, or defeat by any administrative agency of any rule, regulation, or other action governed by Hawaii Revised Statutes section 91-3.
- (2) “Administrative agency” means a commission, board, agency or other body or official in the state government that is not a part of the legislative or judicial branch.
- (3) “Contribution” includes a gift, subscription, forgiveness of loan, advance, or deposit of money or anything of value and includes a contract, promise, or agreement, whether or not enforceable, to make a contribution.
- (4) “Expenditure” includes a payment, distribution, forgiveness of a loan, advance, deposit, or gift of money or anything of value and includes a contract, promise, or agreement, whether or not enforceable, to make an expenditure. It includes the expenses of preparing written testimony and exhibits for a hearing before the legislature or an administrative agency.
- (5) “Legislative action” means the sponsorship, drafting, introduction, consideration, modification, enactment, or defeat of any bill, resolution, amendment, report, nomination, appointment, or any other matter pending or proposed in the legislature.
- (6) “Lobbyist” means any person who lobbies.
- (7) “Lobbying” means communicating directly or through an agent, or soliciting others to communicate with any official in the legislative or executive branch, for the purpose of influencing any legislative or administrative action.
- (8) “Person” means a corporation, individual, union, association, firm, sole proprietor, partnership, committee, club, or any other organization or a representative of a group or persons acting in concert.

**Sec. -2 Registration of lobbyists, exceptions.** (a) Any person who lobbies shall register with the clerk of either house of the state legislature or the appropriate administrative agency, and shall furnish and certify the following information:

- (1) His name, business address, and telephone number;
- (2) The name and address of the person by whom he is employed or

whom he represents and in whose interest he appears or works for;

- (3) The duration of such employment or representation;
- (4) How much he is paid and is to receive for lobbying;
- (5) By whom he is paid or is to be paid for lobbying; and
- (6) How much he is to be paid for expenses for lobbying, and a written authorization from each person who employs him or asks him to represent them to act in influencing legislative or administrative action shall be submitted with the information.

(b) Registration shall be effective for one year from the date of filing.

(c) The lobbyist shall submit any amendment to the registration within ten days for each person who employs him after his registration. Any person employing a lobbyist shall inform the clerk of either house of the state legislature or the appropriate administrative agency within ten days of a cancellation of the lobbyist's employment.

(d) This chapter shall not apply to:

- (1) Any individual person who represents himself and not any other person before the legislature or administrative agency; provided that such person must nonetheless register if he meets any of the provisions of sec. -3(a);
- (2) Any federal, state, or county official or employee acting in his official capacity;
- (3) Any elected public official acting in his official capacity;
- (4) Any newspaper or other regularly published periodical or radio or television station (including any individual who owns, publishes, or is employed by a newspaper or periodical or radio or television station) while publishing in the regular course of business news items, editorials, or other comments, or paid advertisements, which directly or indirectly urge the passage or defeat of legislative or administrative action;
- (5) Any attorney who advises his clients on the construction or effect of proposed legislative or administrative action; provided that such attorney must nonetheless register if he meets any of the provisions of sec. -3(a); and
- (6) Any person who possesses special skills and knowledge relevant to certain areas of legislation, whose skills and knowledge may be helpful to the legislative and executive branches of state government, and who makes an occasional appearance at the request of the legislature or an administrative agency, or the lobbyist even though receiving reimbursement or other payment from the legislature or administrative agency or the lobbyist for the appearance.

**Sec. -3 Contributions and expenditures; statement.** (a) A lobbyist must file a certified statement with the legislative auditor if he:

- (1) Expends \$100 or more in any calendar quarter for lobbying; or
  - (2) Receives compensation or reimbursement for lobbying; or
  - (3) Engages in lobbying activities as part of his regular employment whether or not he is directly compensated for such activities.
- (b) The statement shall be filed with the legislative auditor on June 30

and December 31 of each year and shall contain the following information:

- (1) The name and address of each person with respect to whom expenditures for the purpose of lobbying in the total sum of \$25 or more per day was made by the lobbyist during the statement period and the amount or value of such expenditure;
  - (2) The name and address of each person with respect to whom expenditures for the purpose of lobbying in the aggregate of \$150 or more was made by the lobbyist during the statement period and the amount or value of such expenditures;
  - (3) The total sum or value of all expenditures for the purpose of lobbying made by the lobbyist during the statement period in excess of \$300 during the statement period;
  - (4) The name and address of each person making contributions to the lobbyist for the purpose of lobbying in the total sum of \$25 or more during the statement period and the amount or value of such contributions; and
  - (5) The subject area of the legislative and administrative action which was supported or opposed by the lobbyist during the statement period.
- (c) The receipt or expenditure of any money for the purpose of influencing the election or defeat of any candidate for an elective office or for the passage or defeat of any proposed measure at any special or general election is excluded from the reporting requirement of this section.

**Sec. -4 Manner of filing; public records.** All statements required by this chapter to be filed with the legislative auditor:

- (1) Shall be deemed properly filed when delivered or deposited in an established post office within the prescribed time, duly stamped, registered, or certified, and directed to the legislative auditor; provided, however, in the event it is not received, a duplicate of the statement shall be promptly filed upon notice by the legislative auditor of its nonreceipt; and
- (2) Shall be preserved by the legislative auditor for a period of four years from the date of filing; and shall constitute part of the public records of the legislative auditor and shall be open to public inspection.

**Sec. -5 Restricted activities.** No lobbyist shall accept or agree to accept any payment in any way contingent upon the defeat, enactment, or outcome of any proposed legislative or administrative action.

**Sec. -6 Administration.** It shall be the duty and responsibility of the office of the legislative auditor:

- (1) On the verified complaint of any person, to investigate or cause to be investigated the activities of any lobbyist to determine whether the lobbyist is in compliance with this chapter; and
- (2) To refer for prosecution any violation of section 3.

**Sec. -7 Penalties.** Any person who wilfully fails to file a statement or who wilfully files a statement containing false information or material omission of any fact required by section 3 shall be guilty of a petty misde-

meanor.”

SECTION 2. This Act shall take effect on January 1, 1976, provided that sec. -7 shall take effect on July 1, 1976.

(Approved May 30, 1975.)

## ACT 161

H.B. NO. 1876

A Bill for an Act Relating to Medical Malpractice Insurance.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

**“CHAPTER  
HAWAII MEDICAL MALPRACTICE  
UNDERWRITING PLAN**

**Sec. -1 Purpose.** The purpose of this Act is to provide a contingency plan to be instituted by the insurance commissioner upon the unavailability of medical malpractice insurance in this State.

**Sec. -2 Definitions.** As used in this chapter:

- (1) “Medical malpractice insurance” means insurance coverage against the legal liability of the insured and against loss, damage, or expense incident to a claim arising out of the death or injury of any person as the result of negligence, or malpractice in rendering professional service by any licensed physician or hospital.
- (2) “Plan” means the joint underwriting plan established pursuant to the provisions of this chapter.
- (3) “Net direct premiums” means general casualty insurance direct premiums written as reported on page 14 of the annual statement under workmen’s compensation and liability, other than automobile, lines of business.

**Sec. -3 Joint underwriting plan, establishment.** (a) A joint underwriting plan is established, consisting of all insurers authorized to write and engaged in writing casualty insurance in this State on a direct basis. Each insurer shall be a member of the plan and shall maintain membership as a condition of its licensure to transact such insurance in this State. The purpose of the plan shall be to provide medical malpractice insurance on a self-supporting basis. The plan shall be the exclusive agency through which medical malpractice insurance may be written in this State on a primary basis for physicians and hospitals.

(b) The plan shall, pursuant to the provisions of this chapter and the plan of operation with respect to medical malpractice insurance, have the power on behalf of its members:

- (1) To issue, or to cause to be issued policies of insurance to applicants, including incidental coverages and subject to limits as specified in

the plan of operation but not to exceed one million dollars for each claimant under one policy and three million dollars for all claimants under one policy in any one year;

- (2) To appoint service companies to underwrite such insurance and to adjust and pay losses with respect thereto;
- (3) To assume reinsurance from its members; and
- (4) To cede reinsurance.
- (c) (1) The commissioner shall, after consultation with the joint underwriting plan, representatives of the public, the Hawaii Medical Association and other affected individuals and organizations, promulgate a plan of operation consistent with the provisions of this chapter within sixty days after the creation of the plan. The plan of operation shall become effective and operational upon order of the insurance commissioner.
- (2) The plan of operation shall provide for economic, fair and non-discriminatory administration and for the prompt and efficient provision of medical malpractice insurance, and shall contain other provisions including, but not limited to, preliminary assessment of all members for initial expenses necessary to commence operation, establishment of necessary facilities, management of the plan, assessment of members to defray losses and expenses, commission arrangements, reasonable and objective underwriting standards, acceptance and cession of reinsurance, appointment of servicing carriers and standards, and procedures for determining amounts of insurance to be provided by the plan.
- (3) The plan of operation shall provide that any profit achieved by the plan be added to the reserves of the plan or returned to the policyholders as a dividend.
- (4) Amendments to the plan of operation may be made by the directors of the plan, subject to the approval of the insurance commissioner, or shall be made at the direction of the insurance commissioner.

**Sec. -4 Procedures.** (a) (1) Any licensed physician or hospital shall, on or after the effective date of the plan of operation, apply to the plan for such coverage. Such application may be made on behalf of an applicant by a solicitor, subagent or general agent authorized by the applicant.

- (2) If the plan determines that the applicant meets the underwriting standards of the plan as provided in the plan of operation and there is no unpaid, uncontested premium due from the applicant for prior insurance (as shown by the insured having failed to make written objection to the premium charges within thirty days after billing), then the plan, upon receipt of the premium, or such portion thereof as is prescribed in the plan of operation, shall cause to be issued a policy of medical malpractice insurance for a term of one year.
- (b) (1) The rates, rating plan, rating classifications, territory and policy forms applicable to the insurance written by the plan and statistics relating thereto shall be subject to sections 431-691 to 431-707 of this



- chapter unless otherwise provided hereto, giving due consideration to the past and prospective loss and expense experience within and outside this State for medical malpractice insurance of all of the member companies of the plan, trends in the frequency and severity of losses, the investment income of the plan, and such other information as the insurance commissioner may require.
- (2) Any deficit sustained by the plan in any one year shall be recouped, pursuant to the plan of operation and the rating plan then in effect by one or both of the following procedures: (i) An assessment upon the policyholders; (ii) A rate increase applicable prospectively.
  - (3) Effective after the initial year of operation, rating plans and rating rules, and any provisions of recoupment through policyholder assessment or premium rate increase, should be based upon the plan's loss and expense experience, together with such other information based upon such experience as the insurance commissioner may deem appropriate. The resultant premium rates shall be on an actuarially sound basis and shall be calculated to be self-supporting.
  - (4) In the event that sufficient funds are not available for the sound financial operation of the plan, pending recoupment as provided in subsection (3) of this section, all members shall, on a temporary basis contribute to the financial requirements of the plan in the manner provided for in section -5 of this chapter. Any such contribution shall be reimbursed to the members following recoupment as provided in subsection (3) of this section.
  - (5) The commissioner shall consider requiring the plan to offer policies on a claims made or occurrence basis; provided, however, that the premium rate charged for the policies shall be at rates established on an actuarially sound basis and which are calculated to be self-supporting.

**Sec. -5 Participation.** All insurers which are members of the plan shall participate in its writings, expenses, profits and losses in the proportion that the net direct premiums of each such member (excluding that portion of premiums attributable to the operation of the plan) written during the preceding calendar year bears to the aggregate net direct premiums written in this State by all members of the plan. Each insurer's participation in the plan shall be determined annually on the basis of such net direct premiums written during the preceding calendar, as reported in the annual statements and other reports filed by the insurer with the insurance commissioner. No member shall be obligated in any one year to reimburse the plan on account of its proportionate share in the deficit from operations of the plan in that year in excess of one per cent of its policyholders' surplus and the aggregate amount not so reimbursed shall be reallocated among the remaining members in accordance with the method of determining participation prescribed in this subdivision after excluding from the computation the total net direct premiums of all members not sharing in such excess deficit. In the event that the deficit from operations allocated to all members of the plan in any calendar year shall exceed one per cent of their respective policyholders' surplus, the amount of

such deficit shall be allocated to each member in accordance with the method of determining participation prescribed in this subdivision.

**Sec. -6 Directors.** The plan shall be governed by a board of eleven directors, ten to be selected annually. Five directors shall be elected by cumulative voting by the members of the plan, whose votes in such election shall be weighted in accordance with each member's net direct premiums written during the preceding calendar year. Three directors shall be appointed by the insurance commissioner as representatives of the medical profession. Two directors shall be appointed by the insurance commissioner as representatives of the public. The five member companies serving on the first board shall be elected at a meeting of the members, or their authorized representatives, which shall be held at a time and place designated by the insurance commissioner. The insurance commissioner shall appoint the five directors serving on the first board on or before the date of such meeting. The insurance commissioner shall be the other member and shall be its chairperson.

**Sec. -7 Appeals and judicial review.** Any applicant to the plan, any person insured pursuant to this chapter, or their representatives, or any affected insurer, may appeal to the insurance commissioner within thirty days after any ruling, action or decision by or on behalf of the plan, with respect to those items the plan of operation defines as appealable matters.

All orders of the insurance commissioner made pursuant to this chapter shall be subject to judicial review as provided in section 431-705.

**Sec. -8 Privileged communications.** There shall be no liability on the part of, and no cause of action of any nature shall arise against the plan, its agents or employees, an insurer, any licensed agent, or the insurance commissioner or his authorized representatives, for any statements made in good faith by them in any reports or communications concerning risks insured or to be insured by the plan, or at any administrative hearing conducted in connection therewith.

**Sec. -9 Annual statements.** The plan shall file in the office of the insurance commissioner annually on or before the fifteenth day of March, a statement which shall contain information with respect to its transactions, conditions, operations and affairs during the preceding year. Such statement shall contain such matters and information as are prescribed and shall be in such form as is approved by the insurance commissioner. The insurance commissioner may, at any time, require the plan to furnish additional information with respect to its transactions, condition, or any matter connected therewith considered to be material and of assistance in evaluating the scope, operation and experience of the plan.

**Sec. -10 Examinations.** The insurance commissioner shall make an examination into the affairs of the plan at least annually. Such examination shall be conducted and the report thereon filed in the manner prescribed in section 431-54 of this chapter. The expenses of every such examination shall be borne and paid by the plan in the manner prescribed by section 431-59 of this chapter.

**Sec. -11 Initiation of plan.** The plan becomes operational at the direction of the insurance commissioner, upon a finding that medical mal-

practice insurance is not or will not be readily available in this State to the majority of the physicians and hospitals. Upon a finding by the insurance commissioner that medical malpractice insurance has become readily available in the voluntary market, he may direct the plan to cease writing medical malpractice insurance.

The plan, being a temporary measure, shall not remain in existence for more than three years after the plan becomes operational."

SECTION 2. This Act shall take effect upon its approval.

(Approved May 30, 1975.)

## ACT 162

S.B. NO. 115

A Bill for an Act Relating to Collective Bargaining.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 89-6(c), Hawaii Revised Statutes, is hereby amended to read as follows:

"(b) For the purpose of negotiations, the public employer of an appropriate bargaining unit shall mean the governor or his designated representatives of not less than three together with not more than two members of the board of education in the case of units (5) and (6), the governor or his designated representatives of not less than three together with not more than two members of the board of regents of the University of Hawaii in the case of units (7) and (8), and the governor or his designated representatives together with the mayors of all the counties or their designated representatives in the case of the remaining units. The designated employer representatives for units 5, 6, 7, and 8 shall each have one vote and in the case of the remaining units, the governor shall be entitled to four votes and the mayor of each county shall each have one vote, which may be assigned to their designated representatives. Any decision to be reached by the applicable employer group shall be on the basis of simple majority."

SECTION 2. Section 89-10, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) Because effective and orderly operations of government are essential to the public, it is declared to be in the public interest that in the course of collective bargaining, the public employer and each exclusive representative shall include provisions for an expiration date which will coincide with an expiration date of June 30, 1977 for all public sector collective bargaining agreements. Any subsequent expiration dates shall be on June 30th of odd numbered years, to be determined jointly by all exclusive representatives and public employers.

The parties may include provisions for the reopening date during the term of a collective bargaining agreement, provided that such provisions shall not allow for the reopening of cost items as defined in Section 89-2.

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored. In printing this Act, the revisor of statutes need not include the underscoring.\*

SECTION 4. This Act shall take effect upon its approval.

(Approved June 2, 1975.)

ACT 163

S.B. NO. 516

A Bill for an Act Relating to the Hawaii Penal Code.

*Be It Enacted By The Legislature Of The State Of Hawaii:*

SECTION 1. Section 702-215, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 702-215 Intentional or knowing causation; different result from that intended or contemplated.** In the following instances, intentionally or knowingly causing a particular result shall be deemed to be established even though the actual result caused by the defendant may not have been within his intention or contemplation:

- (1) The actual result differs from that intended or contemplated, as the case may be, only in the respect that a different person or different property is injured or affected or that the injury or harm intended or contemplated would have been more serious or more extensive than that caused; or
- (2) The actual result involves the same kind of injury or harm as the intended or contemplated result and is not too remote or accidental in its occurrence or too dependent on another's volitional conduct to have a bearing on the defendant's liability or on the gravity of his offense."

SECTION 2. Section 702-216, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 702-216 Reckless or negligent causation; different result from that within the risk.** In the following instances, recklessly or negligently causing a particular result shall be deemed to be established even though the actual result caused by the defendant may not have been within the risk of which he was or, in the case of negligence, should have been aware:

- (1) The actual result differs from the probable result only in the respect that a different person or different property is injured or affected or that the probable injury or harm would have been more serious or more extensive than that caused; or
- (2) The actual result involves the same kind of injury or harm as the probable result and is not too remote or accidental in its occurrence or too dependent on another's volitional conduct to have a bearing on the defendant's liability or on the gravity of his offense."

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\*Edited accordingly.

SECTION 3. Section 703-304, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 703-304 Use of force in self-protection.** (1) Subject to the provisions of this section and of section 308, the use of force upon or toward another person is justifiable when the actor believes that such force is immediately necessary for the purpose of protecting himself against the use of unlawful force by the other person on the present occasion.

(2) The use of deadly force is justifiable under this section if the actor believes that deadly force is necessary to protect himself against death, serious bodily injury, kidnapping, rape, or forcible sodomy.

(3) Except as otherwise provided in subsections (4) and (5) of this section, a person employing protective force may estimate the necessity thereof under the circumstances as he believes them to be when the force is used without retreating, surrendering possession, doing any other act which he has no legal duty to do, or abstaining from any lawful action.

(4) The use of force is not justifiable under this section:

(a) To resist an arrest which the actor knows is being made by a peace officer, although the arrest is unlawful; or

(b) To resist force used by the occupier or possessor of property or by another person on his behalf, where the actor knows that the person using the force is doing so under a claim of right to protect the property, except that this limitation shall not apply if:

(i) The actor is a public officer acting in the performance of his duties or a person lawfully assisting him therein or a person making or assisting in a lawful arrest; or

(ii) The actor believes that such force is necessary to protect himself against death or serious bodily injury.

(5) The use of deadly force is not justifiable under this section if:

(a) The actor, with the intent of causing death or serious bodily injury, provoked the use of force against himself in the same encounter; or

(b) The actor knows that he can avoid the necessity of using such force with complete safety by retreating or by surrendering possession of a thing to a person asserting a claim of right thereto or by complying with a demand that he abstain from any action which he has no duty to take, except that:

(i) The actor is not obliged to retreat from his dwelling or place of work, unless he was the initial aggressor or is assailed in his place of work by another person whose place of work the actor knows it to be; and

(ii) A public officer justified in using force in the performance of his duties, or a person justified in using force in his assistance or a person justified in using force in making an arrest or preventing an escape, is not obliged to desist from efforts to perform his duty, effect the arrest, or prevent the escape because of resistance or threatened resistance by or on behalf of the person against whom the action is directed.

(6) The justification afforded by this section extends to the use of con-

finement as protective force only if the actor takes all reasonable measures to terminate the confinement as soon as he knows that he safely can, unless the person confined has been arrested on a charge of crime.

SECTION 4. Section 707-737, Hawaii Revised Statutes, is amended by amending subsection (1) (b) to read as follows:

“(1) (b) He intentionally has sexual contact with another person who is under 16 years old but at least 14 years old and at least 4 years younger than him or causes such a person to have sexual contact with him.”

SECTION 5, Section 707-739, Hawaii Revised Statutes, is repealed.

SECTION 6. Chapter 712 of the Hawaii Revised Statutes, is amended as follows:

(a) Section 712-1240, Hawaii Revised Statutes, is amended by deleting the definition of the term “unlawfully”.

(b) Section 712-1240, Hawaii Revised Statutes, is amended by amending the definition of “marijuana” to read:

(6) “Marijuana” means any part of the plant (genus) cannabis, whether growing or not, including the seeds and the resin, and every alkaloid, salt, derivative, preparation, compound, or mixture of the plant, its seeds or resin, except that, as used herein, “marijuana” does not include hashish, tetrahydrocannabinol, and any alkaloid, salt, derivative, preparation, compound, or mixture, whether natural or synthesized, of tetrahydrocannabinol;

(c) Section 712-1241, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 712-1241 Promoting a dangerous drug in the first degree.** (1) A person commits the offense of promoting a dangerous drug in the first degree if he knowingly:

(a) Possesses one or more preparations, compounds, mixtures, or substances of an aggregate weight of:

(i) One ounce or more, containing any of the respective alkaloids or salts of heroin, morphine, or cocaine; or

(ii) Two ounces or more, containing one or more of any of the other dangerous drugs; or

(b) Distributes:

(i) 50 or more capsules, tablets, ampules, or syrettes containing one or more dangerous drugs; or

(ii) One or more preparations, compounds, mixtures, or substances of an aggregate weight of:

(A) 1/8 ounce or more, containing any of the respective alkaloids or salts of heroin, morphine, or cocaine; or

(B) 1/2 ounce or more, containing any other dangerous drug; or

(c) Distributes any dangerous drug in any amount to a minor who is at least three years his junior.

(2) Promoting a dangerous drug in the first degree is a class A felony.”

(d) Section 712-1242, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 712-1242 Promoting a dangerous drug in the second degree.**

(1) A person commits the offense of promoting a dangerous drug in the second degree if he knowingly:

- (a) Possesses 50 or more capsules, tablets, ampules, or syrettes, containing one or more dangerous drugs; or
- (b) Possesses one or more preparations, compounds, mixtures, or substances of an aggregate weight of:
  - (i) 1/8 ounce or more, containing any of the respective alkaloids or salts of heroin, morphine, or cocaine; or
  - (ii) 1/2 ounce or more, containing any dangerous drug; or
- (c) Distributes any dangerous drug in any amount.

(2) Promoting a dangerous drug in the second degree is a class B felony.”

(e) Section 712-1243, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 712-1243 Promoting a dangerous drug in the third degree.** (1) A person commits the offense of promoting a dangerous drug in the third degree if he knowingly possesses any dangerous drug in any amount.

(2) Promoting a dangerous drug in the third degree is a class C felony.”

(f) Section 712-1244, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 712-1244 Promoting a harmful drug in the first degree.**

(1) A person commits the offense of promoting a harmful drug in the first degree if he knowingly:

- (a) Possesses 400 or more capsules or tablets containing one or more of the harmful drugs or one or more of the marijuana concentrates, or any combination thereof; or
- (b) Possesses one or more preparations, compounds, mixtures, or substances, of an aggregate weight of one ounce or more of the marijuana concentrates, or any combination thereof; or
- (c) Distributes 50 or more capsules or tablets containing one or more of the harmful drugs or one or more of the marijuana concentrates, or any combination thereof; or
- (d) Distributes one or more preparations, compounds, mixtures, or substances, or an aggregate weight of 1/8 ounce or more, containing one or more of the harmful drugs or one or more of the marijuana concentrates, or any combination thereof, or
- (e) Distributes any harmful drug or any marijuana concentrate in any amount to a minor who is at least three years his junior.

(2) Promoting a harmful drug in the first degree is a class B felony.”

(g) Section 712-1245, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 712-1245 Promoting a harmful drug in the second degree.** (1) A person commits the offense of promoting a harmful drug in the second degree if he knowingly:

- (a) Possesses 50 or more capsules or tablets containing one or more of the harmful drugs or one or more of the marijuana concentrates, or any combination thereof; or
- (b) Possesses one or more preparations, compounds, mixtures, or substances, of an aggregate weight of  $\frac{1}{8}$  ounce or more, containing one or more of the harmful drugs or one or more of the marijuana concentrates, or any combination thereof; or
- (c) Distributes any harmful drug or any marijuana concentrate in any amount.
- (2) Promoting a harmful drug in the second degree is a class C felony.”
- (h) Section 712-1246, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 712-1246 Promoting a harmful drug in the third degree.** (1) A person commits the offense of promoting a harmful drug in the third degree if he knowingly possesses any harmful drug in any amount.

(2) Promoting a harmful drug in the third degree is a misdemeanor.”

(i) Section 712-1247, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 712-1247 Promoting a detrimental drug in the first degree.** (1) A person commits the offense of promoting a detrimental drug in the first degree if he knowingly:

- (a) Possesses 400 or more capsules or tablets containing one or more of the Schedule V substances; or
- (b) Possesses one or more preparations, compounds, mixtures, or substances, of an aggregate weight of one ounce or more containing one or more of the Schedule V substances; or
- (c) Distributes 50 or more capsules or tablets containing one or more of the Schedule V substances; or
- (d) Distributes one or more preparations, compounds, mixtures, or substances, of an aggregate weight of  $\frac{1}{8}$  ounce or more, containing one or more of the Schedule V Substances; or
- (e) Possesses one or more preparations, compounds, mixtures, or substances of an aggregate weight of 2.2 pounds or more, containing any marijuana; or
- (f) Distributes one or more preparations, compounds, mixtures, or substances of an aggregate weight of 2 ounces or more, containing any marijuana; or
- (g) Distributes any marijuana or any Schedule V substance in any amount to a minor who is at least three years his junior.
- (2) Promoting a detrimental drug in the first degree is a class C felony.”
- (j) Section 712-1248, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 712-1248 Promoting a detrimental drug in the second degree.** (1) A person commits the offense of promoting a detrimental drug in the second degree if he knowingly:

- (a) Possesses 50 or more capsules or tablets containing one or more of the Schedule V substances; or



- (b) Possesses one or more preparations, compounds, mixtures, or substances, of an aggregate weight of  $\frac{1}{8}$  ounce or more, containing one or more of the Schedule V Substances; or
- (c) Possesses one or more preparations, compounds, mixtures, or substances, of an aggregate weight of 1 ounce or more, containing any marijuana; or
- (d) Sells any marijuana or distributes any Schedule V substances in any amount.

(2) Promoting a detrimental drug in the second degree is a misdemeanor."

(k) Section 712-1249, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 712-1249 Promoting a detrimental drug in the third degree.** (1) A person commits the offense of promoting a detrimental drug in the third degree if he knowingly possesses any marijuana or any Schedule V substance in any amount.

(2) Promoting a detrimental drug in the third degree is a petty misdemeanor."

(1) Section 712-1250, Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 712-1250 Promoting intoxicating compounds.** (1) A person commits the offense of promoting intoxicating compounds if he knowingly:

- (a) Breathes, inhales, or drinks any compound, liquid, or chemical containing toluole, hexane, trichloroethylene, acetone, toluene, ethyl acetate, methyl ethyl ketone, trichloroethane, isopropanol, methyl isobutyl ketone, methyl cellosolve acetate, cyclohexanone, or any other substance for the purpose of inducing a condition of intoxication, stupefaction, depression, giddiness, paralysis or irrational behavior, or in any manner changing, distorting or disturbing the auditory, visual or mental processes.
- (b) Sells or offers for sale, delivers or gives to any person under 18 years of age, unless upon written order of such person's parent or guardian, any compound liquid or chemical containing toluole, hexane, trichloroethylene, acetone, toluene, ethyl acetate, methyl ethyl ketone, trichloroethane, isopropanol, methyl isobutyl ketone, methyl cellosolve acetate, cyclohexanone, or any other substance which will induce an intoxicated condition, as defined herein, when the seller, offeror or deliverer knows or has reason to know that such compound is intended for use to induce such condition.

(2) Promoting intoxicating compounds is a misdemeanor.

(3) This section shall not apply to any person who commits any act described herein pursuant to the direction or prescription of a practitioner, as defined in the 'Hawaii Food, Drug and Cosmetic Act' (HRS, section 328-16)."

SECTION 7. Section 329-1, Hawaii Revised Statutes, is amended by amending the definition of "marijuana" to read:

“Marijuana” means all parts of the plant (genus) Cannabis, whether growing or not; the seeds thereof, the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

SECTION 8. Section 701-105, Hawaii Revised Statutes, is amended to read as follows:

“Sec. -105 Effect of commentary. The commentary accompanying the Judicial Council of Hawaii’s proposed draft of the Hawaii Penal Code (1970), as revised, shall be published and may be used as an aid in understanding the provisions of this Code, but not as evidence of legislative intent.

SECTION 9. If any provision or clause of this Act or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.”

SECTION 10. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 11. This Act shall take effect upon its approval.

(Approved June 2, 1975.)

ACT 164

S.B. NO. 846

A Bill for an Act Relating to Annual Salary Increment and Longevity Pay Increases and Amending Chapter 89, Hawaii Revised Statutes.

*Be It Enacted By The Legislature Of The State Of Hawaii:*

SECTION 1. Section 89-9(d), Hawaii Revised Statutes, is amended to read as follows:

“(d) Excluded from the subjects of negotiations are matters of classification and reclassification, retirement benefits and the salary ranges and the number of incremental and longevity steps now provided by law, provided that the amount of wages to be paid in each range and step and the length of service necessary for the incremental and longevity steps shall be negotiable. Notwithstanding any law to the contrary, a bargaining unit employee shall be entitled to his normal annual increment or longevity increase, as the case may be, during the period July 1, 1975 through June 30, 1976 subject to the

\*Edited accordingly.

following applicable conditions:

- (1) A nonsupervisory or supervisory blue collar employee covered by chapter 77 and who is at step 1, 2, 3, or 4 shall be entitled to an incremental increase on his service anniversary date provided his appointing authority certifies that he has rendered a year's satisfactory service. Any employee not being compensated at step 1, 2, 3, 4, or 5 and who has served satisfactorily for one year shall be moved to the next higher increment step on his service anniversary date provided there is such a step.
- (2) An employee in bargaining unit 3, 4, 9, 10, 11, 12, or 13 who is covered by chapter 77 and who is at step B, C, D, E, or F shall be entitled to an incremental increase on his service anniversary date provided his appointing authority certifies that he has rendered a year's satisfactory service. Any employee not being compensated at step B, C, D, E, F, or G and who has served satisfactorily for one year shall be moved to the next higher increment step on his service anniversary date provided there is such a step.
- (3) An employee in bargaining unit 3, 4, 9, 10, 11, 12, or 13 who is covered by chapter 77 and who has served satisfactorily for three years at step G, L-1, L-2,<sup>4</sup> or L-3 shall be entitled to a longevity step increase on his service anniversary date. Any employee whose pay rate is above step G but is not at step L-1, L-2, L-3, or L-4 and who has served satisfactorily for three years shall be moved to the next higher longevity step on his service anniversary date provided there is such a step.
- (4) An employee in bargaining unit 8 who is at step 1, 2, 3, 4, 5, 6, or 7, as established by the rules and regulations of the board of regents, shall be entitled to an incremental increase on his service anniversary date provided his appointing authority certifies that he has rendered a year's satisfactory service. Any employee not being compensated at step 1, 2, 3, 4, 5, 6, 7 or 8 and who has served satisfactorily for one year shall be moved to the next higher increment step on his service anniversary date provided there is such a step.
- (5) An employee in bargaining unit 8 who has served satisfactorily for two years at step 8 or special step A, as established by the rules and regulations of the board of regents, shall be entitled to a longevity step increase on his service anniversary date. Any employee whose pay rate is above step 8 but is not at special step A or special step B and who has served satisfactorily for two years shall be moved to the next higher longevity step on his service anniversary date provided there is such a step.
- (6) Employees in bargaining unit 7 shall be treated in the same or similar manner as those employees covered by chapter 77 and as prescribed by paragraphs (1), (2), (3), (4), and (5) above, as applicable.
- (7) Services prior to June 30, 1975 in which salary increases were granted in lieu of increment or longevity increases under a collective bargaining agreement shall not count as service creditable for

increment or longevity purposes when applying paragraphs (1), (2), (3), and (4) above.

Effective July 1, 1976, an employee shall not be entitled to his normal annual increment or longevity increase, as the case may be, in any fiscal year that an increase in the applicable salary or wage board schedule is effected, whether by statute or agreement, and no part of such a fiscal year shall be counted as service creditable for any future increment or longevity pay increase; provided that any collective bargaining agreement, the expiration date of which is beyond June 30, 1976, which provides for a general wage adjustment together with incremental and longevity increases shall be observed in accordance with the terms of the agreement in effect on June 30, 1975 for an employee covered by such agreement. The employer and the exclusive representative shall not agree to any proposal which would be inconsistent with merit principles or the principle of equal pay for equal work pursuant to sections 76-1, 76-2, 77-31, and 77-33, or which would interfere with the rights of a public employer to (1) direct employees; (2) determine qualification, standards of work, the nature and contents of examinations, hire, promote, transfer, assign, and retain employees in positions and suspend, demote, discharge, or take other disciplinary action against employees for proper cause; (3) relieve an employee from duties because of lack of work or other legitimate reason; (4) maintain efficiency of government operations; (5) determine methods, means, and personnel by which the employer's operations are to be conducted; and take such actions as may be necessary to carry out the missions of the employer in cases of emergencies."

**SECTION 2. Appropriation.** There is appropriated the sum of \$4,540,000 in general funds, \$398,000 in federal funds and \$534,400 in special and other funds for the fiscal year 1975-76 to Program Planning, Analysis and Budgeting (BUF 101) to be allotted to the appropriate programs by the director of finance for the purposes of this Act.

**SECTION 3.** Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

**SECTION 4.** This Act shall take effect upon its approval.

(Approved June 2, 1975.)

A Bill for an Act Relating to the Office of Collective Bargaining.

*Be It Enacted By The Legislature Of The State Of Hawaii:*

**SECTION 1. Purpose.** The purpose of this Act is to establish an office of collective bargaining within the office of the governor to serve the governor in discharging the duties set forth in the public employment collective bargaining act, chapter 89, Hawaii Revised Statutes, as amended.

\*Edited accordingly.

**SECTION 2. Office of collective bargaining in the state government established.** There shall be established an office of collective bargaining in the office of the governor to assist the governor in negotiating with and entering into written agreements between the public employers and the exclusive representatives on matters of wages, hours and other negotiable terms and conditions of employment.

The position of chief negotiator for the State is hereby established to head the office. The chief negotiator shall be experienced in labor relations. The governor shall appoint and remove the chief negotiator and such staff as may be necessary, who shall not be subject to chapters 76 and 77. The salary of the chief negotiator shall be set by the governor and shall not exceed the salaries of department heads as prescribed in section 26-52(2). The chief negotiator and staff shall be included in any benefit program generally applicable to the officers and employees of the State. The chief negotiator shall serve as one of the governor's designated representatives as set forth in section 89-6(b), Hawaii Revised Statutes, as amended.

**SECTION 3. Functions of the office of collective bargaining.** In addition to the powers and functions provided in other sections of this Act, and subject to the approval of the governor, the office of collective bargaining shall:

- a. Assist the governor in formulating plans, including objectives, criteria to measure management's accomplishment of objectives, and programs through which the objectives are to be attained;
- b. Assist the governor in formulating management's philosophy for public collective bargaining as well as planning bargaining strategies;
- c. Conduct negotiations with the exclusive representatives of each employee organization and designate employer spokesmen for each negotiation;
- d. Coordinate the State's resources in all mediation, fact-finding and interest arbitration cases as well as in all labor disputes;
- e. Conduct systematic reviews of collective bargaining agreements for the purpose of contract negotiations;
- f. Coordinate the systematic compilation of data by all agencies that is required for negotiating purposes;
- g. Coordinate the establishment of cost data negotiated with each exclusive representative and assist the governor in making recommendations with respect thereto to the legislative bodies;
- h. Prepare and submit an annual report and such other reports as may be requested to the governor and to the legislature on the implementation of the collective bargaining act.

**SECTION 4. Effective date.** This Act shall take effect upon its approval.

(Approved June 2, 1975.)

A Bill for an Act Relating to Public Agency Meetings and Records.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 92, Part I, Hawaii Revised Statutes, is repealed and a new part I is enacted to read as follows:

### “PART I. MEETINGS

**Sec. 92-1 Declaration of policy and intent.** In a democracy, the people are vested with the ultimate decision-making power. Governmental agencies exist to aid the people in the formation and conduct of public policy. Opening up the governmental processes to public scrutiny and participation is the only viable and reasonable method of protecting the public’s interest. Therefore, the legislature declares that it is the policy of this State that the formation and conduct of public policy—the discussions, deliberations, decisions, and action of governmental agencies—shall be conducted as openly as possible. To implement this policy the legislature declares that:

- (1) It is the intent of this part to protect the people’s right to know;
- (2) The provisions requiring open meetings shall be liberally construed; and
- (3) The provisions providing for exceptions to the open meeting requirements shall be strictly construed against closed meetings.

**Sec. 92-2 Definitions.** As used in this part:

- (1) “Board” means any agency, board, commission, authority, or committee of the State or its political subdivisions, either legislative or executive, permanent or temporary.
- (2) “Chance meeting” means a social or informal assemblage of two or more members at which matters relating to official business are not discussed.
- (3) “Meeting” means the convening of a board for which a quorum is required in order to make a decision or to deliberate toward a decision upon a matter over which the board has supervision, control, jurisdiction, or advisory power.

**Sec. 92-3 Open meetings.** Every meeting of all boards shall be open to the public and all persons shall be permitted to attend any meeting unless otherwise provided in the constitution or as closed pursuant to sections 92-4 and 92-5, provided further that the removal of any person or persons who wilfully disrupts a meeting to prevent and compromise the conduct of the meeting shall not be prohibited.

**Sec. 92-4 Executive meetings.** A board may hold an executive meeting closed to the public upon an affirmative vote, taken at an open meeting, of two-thirds of the members present. A meeting closed to the public shall be limited to matters exempted by section 92-5. The vote of each member on the question of holding a meeting closed to the public and the reason for holding such a meeting shall be recorded and entered into the minutes of the meeting.

**Sec. 92-5 Exceptions.** (a) A board may hold a meeting closed to the pub-

lic pursuant to section 92-4 for one or more of the following purposes:

- (1) To consider the hire, evaluation, dismissal, or discipline of an officer or employee or of charges brought against him, where consideration of matters affecting privacy will be involved; provided that if the individual concerned requests an open meeting, an open meeting shall be held;
- (2) To deliberate concerning the authority of persons designated by the board to conduct labor negotiations or to negotiate the acquisition of public property, or during the conduct of such negotiations;
- (3) To consult with the board's attorney;
- (4) To investigate proceedings regarding criminal misconduct; and
- (5) To consider sensitive matters related to public safety or security.

(b) This part shall not apply to any chance meeting at which matters relating to official business are not discussed. No chance meeting or electronic communication shall be used to circumvent the spirit or requirements of this part to make a decision or to deliberate toward a decision upon a matter over which the board has supervision, control, jurisdiction, or advisory power.

**Sec. 92-6 Judicial branch, quasi-judicial boards and investigatory functions; applicability.** (a) This part shall not apply:

- (1) To the judicial branch.
- (2) To adjudicatory functions exercised by a board and governed by sections 91-8 and 91-9, or authorized by other sections of the Hawaii Revised Statutes.

In the application of this section, boards exercising adjudicatory functions include, but are not limited to, the following:

- (i) Hawaii Employment Relations Board, chapter 377;
- (ii) Hawaii Public Employment Relations Board, chapter 89;
- (iii) Labor and Industrial Relations Appeals Board, chapter 371;
- (iv) Board of Paroles and Pardons, chapter 353;
- (v) Civil Service Commission, chapter 26;
- (vi) Board of Trustees, Employees' Retirement System of the State of Hawaii, chapter 88;
- (vii) Criminal Injuries Compensation Commission, chapter 351; and
- (viii) State Ethics Commission, chapter 84.

(b) Notwithstanding provisions in this section to the contrary, this part shall apply to require open deliberation of the adjudicatory functions of the Land Use Commission.

**Sec. 92-7 Notice.** (a) The board shall give written public notice of any regular, special or rescheduled meeting. The notice shall include an agenda which lists all of the items to be considered at the forthcoming meeting, the date, time and place of the meeting.

(b) The board shall file the notice in the office of the lieutenant governor or the appropriate county clerk's office, and in the board's office for public inspection, at least seventy-two hours before the meeting. The notice shall also be posted at the site of the meeting whenever feasible. No board shall change the agenda, once filed, by adding items therefrom without a two-thirds re-

corded vote of all members to which the board is entitled.

(c) The board shall maintain a list of names and addresses of persons who request notification of meetings and shall mail a copy of the notice to such persons at their last recorded address no later than the time the agenda is filed under subsection (b).

**Sec. 92-8 Emergency meetings.** If a board finds that an imminent peril to the public health, safety, or welfare requires a meeting in less time than is provided for in section 92-7, the board may hold an emergency meeting provided: (a) the board states in writing the reasons for its findings; (b) two-thirds of all members to which the board is entitled agree that the findings are correct and an emergency exists; (c) an emergency agenda and the findings are filed with the office of the lieutenant governor or the appropriate county clerk's office, and in the board's office, and (d) persons requesting notification are contacted by mail or telephone as soon as practicable.

**Sec. 92-9 Minutes.** (a) The board shall keep written minutes of all meetings. Unless otherwise required by law, neither a full transcript nor a recording of the meeting is required, but the written minutes shall give a true reflection of the matters discussed at the meeting and the views of the participants. The minutes shall include, but need not be limited to:

- (1) The date, time and place of the meeting;
- (2) The members of the board recorded as either present or absent;
- (3) The substance of all matters proposed, discussed, or decided; and a record, by individual member, of any votes taken; and
- (4) Any other information that any member of the board requests be included or reflected in the minutes.

(b) The minutes shall be public records and shall be available within thirty days after the meeting except where such disclosure would be inconsistent with section 92-5; provided that minutes of executive meetings may be withheld so long as their publication would defeat the lawful purpose of the executive meeting, but no longer.

(c) All or any part of a meeting of a board may be recorded by any person in attendance by means of a tape recorder or any other means of sonic reproduction, except when a meeting is closed pursuant to section 92-4; provided the recording does not actively interfere with the conduct of the meeting.

**Sec. 92-10 Legislative branch; applicability.** Notwithstanding any provisions contained in this chapter to the contrary, open meeting requirements, and provisions regarding enforcement, penalties and sanctions, as they are to relate to the State Legislature or to any of its members shall be such as shall be from time to time prescribed by the respective rules and procedures of the Senate and the House of Representatives, which rules and procedures shall take precedence over this part. Similarly, provisions relating to notice, agenda and minutes of meetings, and such other requirements as may be necessary, shall also be governed by the respective rules and procedures of the Senate and the House of Representatives.

**Sec. 92-11 Voidability.** Any final action taken in violation of sections 92-3 and 92-7 shall be voidable upon proof of wilful violation. A suit to void



any final action shall be commenced within ninety days of the action.

**Sec. 92-12 Enforcement.** (a) The attorney general and the prosecuting attorney shall enforce this part.

(b) The circuit courts of the State shall have jurisdiction to enforce the provisions of this part by injunction or other appropriate remedy.

**Sec. 92-13 Penalties.** Any person who wilfully violates any provisions of this part shall be guilty of a misdemeanor, and upon conviction, may be summarily removed from the board unless otherwise provided by law."

SECTION 2. Chapter 92, Hawaii Revised Statutes, is amended by adding a new part to read as follows:

#### "PART IV. PUBLIC RECORDS

**Sec. 92-50 Definition.** As used in this part, "public record" means any written or printed report, book or paper, map or plan of the State or of a county and their respective subdivisions and boards, which is the property thereof, and in or on which an entry has been made or is required to be made by law, or which any public officer or employee has received or is required to receive for filing, but shall not include records which invade the right of privacy of an individual.

**Sec. 92-51 Public records; available for inspection; cost of copies.** All public records shall be available for inspection by any person during established office hours unless public inspection of such records is in violation of any other state or federal law, provided that except where such records are open under any rule of court, the attorney general and the responsible attorneys of the various counties may determine which records in their offices may be withheld from public inspection when such records pertain to the preparation of the prosecution or defense of any action or proceeding, prior to its commencement, to which the State or county is or may be a party, or when such records do not relate to a matter in violation of law and are deemed necessary for the protection of a character or reputation of any person.

Certified copies of extracts from public records shall be given by the officer having the same in custody to any person demanding the same and paying or tendering twenty cents per folio of one hundred words for such copies or extracts.

**Sec. 92-52 Denial of inspection; application to circuit courts.** Any person aggrieved by the denial by the officer having the custody of any public record of the right to inspect the record or to obtain copies of extracts thereof may apply to the circuit court of the circuit wherein the public record is found for an order directing the officer to permit the inspection of or to furnish copies of extracts of the public records. The court shall grant the order after hearing upon a finding that the denial was not for just and proper cause."

SECTION 3. If any provision of this Act, or the application of this Act to any particular meeting or type of meeting is held invalid or unconstitutional, such decision shall not affect the validity of the remaining provisions or the other applications of this Act.

SECTION 4. All acts passed during the regular session of 1975, whether enacted before or after the passage of this Act, shall be amended to conform to this Act, unless such act or acts specifically provides that this Act is being amended. This section does not apply to any amendments of the definition of the term "public records."

SECTION 5. This Act shall take effect thirty days after its approval.  
(Approved June 2, 1975.)

ACT 167

H.B. NO. 372

A Bill for an Act Relating to Expenditure of Public Money and Public Contracts.

*Be It Enacted by the Legislature of the State of Hawaii:*

PART I.

SECTION 1. Section 103-28, Hawaii Revised Statutes, is amended to read:

**"Sec. 103-28 Deposits of legal tender, etc., to accompany bid.** All bids shall be accompanied by a deposit of legal tender or by a certificate of deposit, cashier's check or certified check on a bank that is insured by the Federal Deposit Insurance Corporation, for or in a sum equal to five per cent of the amount bid, payable at sight to the officer advertising for tenders; provided that when the amount bid exceeds \$50,000, the legal tender, certificate of deposit, cashier's check or certified check shall be for \$2,500 plus two per cent of the amount in excess of \$50,000. A certificate of deposit, cashier's check or certified check may be utilized only to a maximum of \$40,000.

A bid deposit for a bid requiring a deposit in excess of \$40,000 shall only be in the form of legal tender or a surety bond conforming to the requirements of section 103-31."

SECTION 2. Section 102-6, Hawaii Revised Statutes, is amended to read:

**"Sec. 102-6 Deposits of legal tender, etc., to accompany bid.** All bids shall be accompanied by a deposit of legal tender, or a certificate of deposit, cashier's check or certified check on a bank that is insured by the Federal Deposit Insurance Corporation, for or in a sum equal to five per cent of the amount bid, payable at sight to the officer advertising for tenders; provided that when the amount bid exceeds \$50,000, the legal tender, certificate of deposit, cashier's check or certified check shall be \$2,500 plus two per cent of the amount in excess of \$50,000. A certificate of deposit, cashier's check, or certified check may be utilized only to a maximum of \$40,000.

A bid deposit for a bid requiring a deposit in excess of \$40,000 shall only be in the form of legal tender or a surety bond conforming to the requirements of section 103-31."

## PART II.

**SECTION 3. Purpose.** The purpose of this part is to improve the concept and operation of the Fisheries New Vessel Construction Loan Program by enlarging the scope and transferring the administration of the program from the department of land and natural resources to the department of planning and economic development.

**SECTION 4.** Chapter 189, part II, Hawaii Revised Statutes, is amended to read as follows:

**“PART II. FISHING VESSEL PURCHASE, CONSTRUCTION, RENOVATION, MAINTENANCE AND REPAIR LOAN PROGRAM**

**Sec. 189-21 Definitions.** As used in this part:

- (1) “Director” means the director of the department of planning and economic development.
- (2) “National Marine Fisheries Service” means the Financial Assistance Division, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, United States Department of Commerce.
- (3) “SBA” means the Federal Small Business Administration.
- (4) “Fishing Vessel” means any vessel designed to be used in the Hawaii commercial fisheries for catching fish, processing, or transporting fish loaded on the high seas that derives at least fifty-one percent of that vessel’s gross annual income from commercial (as opposed to recreational) operations, or any vessel outfitted for such activity.
- (5) “Department” means the department of planning and economic development.

**Sec. 189-22 Hawaii fishing vessel purchase, construction, renovation, maintenance and repair loan program.** There is hereby created the Hawaii fishing vessel purchase, construction, renovation, maintenance and repair loan program which shall be administered by the director of the department of planning and economic development in accordance with the spirit and intent of this part.

**Sec. 189-23 Hawaii fishing vessel purchase, construction, renovation, maintenance and repair loan revolving fund.** There is established the Hawaii fishing vessel purchase, construction, renovation, maintenance and repair loan revolving fund into which shall be deposited all monies received as repayment of loans and interest payments as provided for in this part.

**Sec. 189-24 Functions, powers and duties of director.** In the performance of, and with respect to, the functions, powers, and duties vested in him by this part, the director of the department of planning and economic development may:

- (1) Prescribe the qualifications for eligibility of applicants for loans and, in so doing, be guided by requirements as set forth in Public Law 88-498.
- (2) Establish preferences and priorities in determining eligibility for loans.

- (3) Establish the conditions, consistent with the purposes of this part, for the granting of the loan.
- (4) Provide for inspection, at reasonable hours, of the vessel, books, and records of an individual or enterprise who has applied for or has been granted a loan and to require the submission of progress and final reports.

**Sec. 189-25 Loans, terms and restrictions.** The department of planning and economic development may make loans to individuals or businesses for the financing of the purchase, construction, renovation, maintenance or repair of vessels. The loans may be made in conjunction with loans made by other financial institutions including the Financial Assistance Division of the National Marine Fisheries Service and the SBA. Where the loans made by the department are secured, such security may be subordinated to the loans made by other financial institutions, when subordination is required in order to obtain loans from the institutions. The necessity for and the extent of security required in any loan shall be determined by the director of the department of planning and economic development.

The foregoing powers shall be subject, however, to the following restrictions and limitations:

- (1) No loan of state funds shall exceed eighty per cent of the cost of purchase, construction, renovation, maintenance, or repair of a vessel.
- (2) No loan for renovation, maintenance or repair of a fishing vessel shall exceed fifty thousand dollars (\$50,000) nor for a term exceeding ten (10) years.
- (3) No loan for purchase or construction of a fishing vessel shall be made for a term exceeding twenty years.
- (4) Each loan shall bear simple interest at the rate of seven and one-half per cent a year.
- (5) The commencement date for the repayment of the first installment on the principal of each loan may be deferred by the director, but in no event shall such initial payment be deferred in excess of two years.
- (6) In the event the State repossesses any vessel financed under this program, the repossessed vessel shall not be resold to the individual to whom the loan has been made, or to anyone with a financial interest in the vessel.

**Sec. 189-26 Reports.** The department of planning and economic development shall make an annual report ending December 31 of each year to the governor, the president of the senate, and the speaker of the house of representatives, on the progress made under this part. The report shall be submitted not later than February 1 immediately following the calendar year period covered by the report."

**SECTION 5.** There is appropriated out of the general revenues of the State of Hawaii the sum of \$500,000 or so much thereof as may be necessary to be deposited into the Hawaii fishing vessel purchase, construction, renovation, maintenance and repair loan revolving fund. The sum appropriated shall be expended by the department of planning and economic development for

the purposes of this Act.

**SECTION 6.** Administrative funds necessary for the operating expenses of the program have been provided for the coming biennium of the Hawaii fishing vessel purchase, construction, renovation, maintenance and repair loan program. The sum appropriated shall be expended by the department of planning and economic development to accomplish the purpose of this Act.

### PART III.

**SECTION 7. Findings and purpose.** The purpose of this part is to insure the continued orderly development of Hawaii's commercial fishing fleet by providing financial assistance for the maintenance and repair of commercial fishing vessels in order to increase productivity in traditional state fishing grounds and to foster development of new fishing grounds by Hawaii's commercial fishing vessels. The legislature finds that: (1) the several financial assistance programs available to Hawaii's commercial fishermen are primarily for new vessel construction with national agency program emphasis on large fishing vessels; (2) that the large majority of Hawaii's commercial fishing vessels are small vessels (under 5 net tons, i.e., under 31 feet long) whose owners often do not have the financial resources of the larger vessels; (3) there is no financial program specializing in providing financial assistance for the maintenance and repair of commercial fishing vessels; (4) that the nature of commercial fishing is noted for occasional poor years when reduced landings adversely affect the economic resources of commercial fishermen, especially those with the smaller vessels; (5) that the recently released report "Hawaii and the Sea—1974" calls for further development of measures to strengthen Hawaii's commercial fishing fleet, for example, by expanding the present Hawaii Fisheries New Vessel Construction Loan Program (Act 193, Session Laws of Hawaii 1965, as amended by Act 28, Session Laws of Hawaii 1968); (6) that the Hawaii Fisheries New Vessel Construction Loan Program does not include maintenance and repair of commercial fishing vessels; (7) that the creation of a maintenance and repair loan program would help fulfill the intent of "Hawaii and the Sea—1974"; (8) that some usually efficient commercial fishermen, due to the above reasons, are unable to upgrade their vessels in order to take advantage of new fishing gear and technology, and; (9) that the State of Hawaii should make every effort to strengthen its commercial fishing fleet.

**SECTION 8. Definitions.** As used in this part:

- (1) "Director" means the director of planning and economic development.
- (2) "Vessel" means vessels as defined in the U.S. Fishing Fleet Improvement Act of 1964, as amended (P. L. 88-498, P. L. 91-279); (Any vessels designed to be used in catching fish, processing, or transporting fish loaded on the high seas, or any vessel outfitted for such activity.)
- (3) "Commercial fishing vessel" means any vessel that derives at least fifty-one per cent of that vessel's gross annual income from commercial (as opposed to recreational) operations.

- (4) "Department" means the department of planning and economic development.
- (5) "SBA" means the Federal Small Business Administration.
- (6) "National Marine Fisheries Service" means Financial Assistance Division, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, United States Department of Commerce.

**SECTION 9. (a) Hawaii commercial fishing vessel maintenance and repair loan program.** There is created the Hawaii commercial fishing vessel maintenance and repair loan program, which shall be administered by the director in accordance with the spirit and intent of this Part.

**(b) Hawaii commercial fishing vessel maintenance and repair loan revolving fund.** There is established the Hawaii commercial fishing vessel maintenance and repair loan revolving fund into which shall be paid all moneys received as repayment of loans and interest payments as provided in this part.

**SECTION 10. Functions, powers, and duties of the director.** In performance of, and with respect to, the functions, powers, and duties vested in him by this part, the director may:

- (1) Prescribe the qualifications for eligibility of applicants for loans.
- (2) Establish preferences and priorities in determining eligibility for loans.
- (3) Establish the conditions, consistent with the purposes of this part, for the granting of the loan.
- (4) Provide for inspection, at reasonable hours, of the vessel, records and books of an individual or enterprise who has applied for or has been granted a loan and to require the submission of periodic reports.

**SECTION 11. Loans, terms, and restrictions.** The department may make loans to individuals or businesses for the financing of expenses incurred in the maintenance and repair of commercial fishing vessels. The loans may be made in conjunction with loans made by other financial institutions including the Small Business Administration or loans guaranteed by the National Marine Fisheries Service. Where the loans made by the department are secured, such security may be subordinated to the loans made by other financial institutions, when such subordination is required in order to obtain loans from such institutions. The necessity for and the extent of security required in any loan shall be determined by the director.

The foregoing powers, shall be subject, however, to the following restrictions and limitations:

- (1) No loan shall exceed \$50,000.
- (2) No loan shall be made for a term exceeding ten years.
- (3) Each loan shall bear simple interest at the rate of five and one-half per cent a year.
- (4) The commencement date for the repayment of the first installment on the principal of each loan may be deferred by the director, but in no event shall such initial payment be deferred in excess of two years.

**SECTION 12. Reports.** The department shall make a report by December 31 of each year to the governor, the president of the senate, and the speaker of the house of representatives, on the progress made under this part. The report shall be submitted not later than February 1 immediately following the period covered by the report.

**SECTION 13. Appropriation.** There is appropriated out of the revenues of the State of Hawaii the sum of \$500,000 to be expended by the department of planning and economic development to fulfill the purposes of this part.

#### PART IV.

**SECTION 14.** Chapter 150, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read:

**“Sec. 150- Seed distribution program; revolving fund.** There is established a revolving fund the purpose of which shall be to enable the seed distribution program to operate at a level which will adequately meet the demand for seed. The fund shall be used for the cultivation and production of seeds and for research and developmental purposes directly related to such cultivation and production. The fund shall be administered by the college of tropical agriculture. All sums withdrawn from the fund shall be reimbursed or restored thereto from the proceeds realized through the sale of seeds. The college of tropical agriculture shall submit an annual report summarizing receipt and expenditures and the fund balance of the revolving fund to the department of budget and finance. The first annual report shall be due within six months following the initial twelve-month period that the revolving fund is in operation and shall be due annually thereafter not later than September 30 following the end of the immediately preceding fiscal year.”

**SECTION 15.** There is appropriated out of the general revenues of the State of Hawaii the sum of \$35,000, to be deposited in the seed distribution revolving fund. Any funds in excess of \$35,000 at the end of each fiscal year shall be remitted to the state general fund.

#### PART V.

**SECTION 16.** There is appropriated out of the general revenues of the State of Hawaii the sum of \$1,000,000, or so much thereof as may be necessary, for the purpose of increasing the State Farm Loan Revolving Fund to be expended by the department of agriculture for the purposes of this section.

**SECTION 17.** There is appropriated out of the general revenues of the State of Hawaii the sum of \$500,000, or so much thereof as may be necessary, for the new farm loan program to be expended by the department of agriculture.

**SECTION 18.** There is appropriated out of the general revenues of the State of Hawaii the sum of \$1,000,000, or so much thereof as may be necessary, for the capital loan program to be expended by the department of planning and economic development.

SECTION 19. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 20. This Act shall take effect upon its approval.  
(Approved June 2, 1975.)

A Bill for an Act Relating to the Public Employees Health Fund.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 87-4, Hawaii Revised Statutes, is amended to read:

**"Sec. 87-4 State and county contributions to the fund.** The State through the department of budget and finance and the several counties through their respective departments of finance shall pay to the fund a monthly contribution of \$5 for each of their respective employee-beneficiaries and \$15 for each respective employee-beneficiary with a dependent-beneficiary, such contributions to be used towards the payment of costs of hospital, medical, and surgical benefits of a health benefits plan, provided that the monthly contribution shall not exceed the actual cost of a health benefits plan. If both husband and wife are employee-beneficiaries, the total contribution by the State or the appropriate county shall be \$15 for both of them.

The State through the department of budget and finance and the several counties through their respective departments of finance shall pay to the fund a monthly contribution of \$2.57 for each child who has not attained the age of nineteen of all employee-beneficiaries who are enrolled for dental benefits. The contributions shall be used towards the payment of costs of dental benefits of a health benefits plan. Notwithstanding any provisions to the contrary, no part of the fund shall be used to finance the contributions except a rate credit or reimbursement or earnings or interest therefrom received by the fund or general revenues appropriated for that purpose.

The State through the department of budget and finance and the several counties through their respective departments of finance shall pay to the fund a monthly contribution of \$2.25 for each of their respective employees to be used towards the payment of group life insurance benefits for each employee.

The several counties through their respective departments of finance shall annually reimburse the State no later than December 30 of each fiscal year for their respective prorata share of the cost of administering the fund for the fiscal year for the benefit of their employee-beneficiaries and dependent-beneficiaries. Each county's prorata share shall be determined by allocating the amount appropriated for administering the fund for the fiscal year, after excluding therefrom state and county contributions for hospital, medical and surgical benefits, dental benefits and group life insurance benefits, in the same

\*Edited accordingly.



proportion as the aggregate annual amount of state and county contributions for such benefits as of October 31 of the preceding fiscal year. The amount of any excess or deficiency required to administer the fund shall be subtracted from or added to, as the case may be, the amount due from each county for the succeeding fiscal year.

Contributions made by the State or the several counties shall not be considered as wages or salary of an employee-beneficiary, and no employee-beneficiary shall have any vested right in or be entitled to receive any part of any contribution made to the fund."

SECTION 2. There is hereby appropriated out of the general revenues of the State of Hawaii to be expended by the department of budget and finance for the 1975-77 biennium the sum of \$432,222 or so much thereof as may be necessary for the purposes of this Act.

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.\*

SECTION 4. This Act shall take effect upon its approval, provided that the first annual payments by the counties of their respective prorata share of the cost of administering the fund shall be made for the fiscal year commencing July 1, 1975.

(Approved June 2, 1975.)

## ACT 169

H.B. NO. 376

A Bill for an Act Relating to Traveling Expenses of State Officials.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 78-15, Hawaii Revised Statutes, is hereby amended to read:

"**Sec. 78-15 Traveling expenses of state officials.** A state official or representative while traveling abroad on state official business shall be allowed \$40 a day, except for inter-island travel which shall be \$30 a day, which amount is to cover all personal expenses, such as board, lodging, etc., but not fares for transportation; provided that a rate in excess of \$30 per day for inter-island travel and \$40 per day for other travel abroad may be allowed but neither for more than \$45 per day upon application and approval by the governor. The comptroller shall issue a warrant payable to the official for the purpose, at the authorized rate, from the date of his departure to the date of his return upon being furnished by the official with a certified statement setting forth the time of absence."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes may exclude the brackets, the bracketed material or the underscoring.\*

\*Edited accordingly.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 2, 1975.)

ACT 170

H.B. NO. 518

A Bill for an Act Relating to Discovery Proceedings and Records.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 624-25.5, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 624-25.5 Proceedings and records of medical, dental and optometric peer review committees and hospitals.** Neither the proceedings nor the records of peer review committees of medical, dental or optometric staffs in hospitals having the responsibility of evaluation and improvement of the quality of care rendered in the hospital or peer review committees of local medical, dental, or optometric societies shall be subject to discovery. Except as hereinafter provided, no person in attendance at a meeting of any such committee shall be required to testify as to what transpired at such meeting. The prohibition relating to discovery or testimony shall not apply to the statements made by any person in attendance at such a meeting who is a party to an action or proceeding the subject matter of which was reviewed at such meeting, or to any person requesting hospital staff privileges, or in any action against an insurance carrier alleging bad faith by the carrier in refusing to accept a settlement offer within the policy limits.

The prohibitions contained in this section shall not apply to medical, dental or optometric society committees that exceed ten percent of the membership of the society, nor to any such committee if any person serves upon the committee when his own conduct or practice is being reviewed.”

SECTION 2. Section 663-1.7, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 663-1.7 Professional society; peer review committee; no liability; exceptions.** (a) As used in this section, “professional society” or “society” means any association or other organization of persons engaged in the same profession or occupation, the membership of which comprises a majority of the people engaged in the profession or occupation in the area which it serves and a primary purpose of which is to maintain the professional standards of the persons engaged in its profession or occupation; and “peer review committee” or “committee” means a committee created by a professional society, or by the medical staff of a licensed hospital, whose function is to maintain the professional standards established by the bylaws of the society or the hospital of the persons engaged in its profession or occupation, or in its hospital.

(b) There shall be no civil liability for any member of a peer review committee for any acts done in furtherance of the purpose for which the committee was established; provided that:

- (1) the member was authorized to perform in the manner in which he did;
- and

(2) the member acted without malice after having made a reasonable effort to ascertain the truth of the facts upon which he acted.

(c) This section shall not be construed to confer immunity from liability upon any professional society or hospital, nor shall it affect the immunity of any shareholder or officer of a professional corporation; provided, however, there shall be no civil liability for any professional society or hospital in communicating any conclusions reached by one of its peer review committees relating to the conformance with professional standards of any person engaged in the profession or occupation of which the membership of the communicating professional society consists, to a peer review committee of another professional society whose membership is comprised of persons engaged in the same profession or occupation, or to a duly constituted governmental board or commission or authority having as one of its duties the licensing of persons engaged in that same profession or to a government agency charged with the responsibility for administering a program of medical assistance in which services are provided by private practitioners.”

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 4. This Act shall take effect upon its approval.

(Approved June 2, 1975.)

## ACT 171

H.B. NO. 619

A Bill for an Act Relating to the Treatment of Venereal Disease for Minors.  
*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 577A, Hawaii Revised Statutes, is amended as follows:

(1) By amending section 577A-3 to read:

“**Sec. 577A-3 Providing information.** Public and private hospitals, or public and private clinics or physicians licensed to practice medicine shall inform the spouse, parent, custodian, or guardian of any minor patient who is diagnosed as pregnant and such information shall be given to the spouse, parent, custodian, or guardian without the consent of the minor patient and even over the express refusal of the minor patient.

If the minor patient who is under eighteen years of age is not diagnosed as pregnant, withholding of such information shall be within the discretion of the staff of such hospitals or such clinics or the physicians licensed to practice medicine, as the case may be.”

(2) By adding a new section to be appropriately designated and to read as follows:

“**Sec. 577A- Venereal disease; diagnosis, treatment, responsibilities,**

\*Edited accordingly.

**counseling.** (a) A physician licensed to practice medicine may in his discretion inform the spouse, parent, custodian or guardian of any minor patient who is diagnosed as afflicted with venereal disease. If the minor patient is not diagnosed as afflicted with venereal disease such information as well as the application for diagnosis shall not be disclosed without the consent of the minor patient.

(b) If a minor consents to receive medical care and services for venereal disease, the spouse, parent, custodian, or guardian of the minor patient shall not be liable for the legal obligations resulting from the furnishing of medical care and services provided by the public and private hospital, or public and private clinic or physician licensed to practice medicine. A minor who consents to the provision of medical care and services under this section shall assume financial responsibility for the costs of such medical care and services. Any other law to the contrary notwithstanding, no spouse, parent, custodian, guardian, governmental agency, or third party payor whose consent has not been obtained or who has no prior knowledge that the minor has consented to the provision of such medical care and services shall be liable for the costs incurred by virtue of the minor's consent.

(c) The treatment of venereal disease shall include individual counseling for each minor patient by a physician licensed to practice medicine. Such counseling shall seek to open the lines of communication between parent and child."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved June 2, 1975.)

## ACT 172

H.B. NO. 814

A Bill for an Act Relating to the Stadium Authority.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 109-2, Hawaii Revised Statutes, is amended to read:

**"Sec. 109-2 Stadium authority; powers and duties.** The powers and duties of the stadium authority shall be as follows:

- (1) To maintain, operate and manage the stadium and related facilities.
- (2) To prescribe and collect rents, fees and charges for the use or enjoyment of the stadium or any of its facilities.
- (3) To make and execute contracts and other instruments necessary or convenient to exercise its powers under this chapter and subject to any limitations in this chapter, to exercise all powers necessary, incidental

\*Edited accordingly.

or convenient to carry out and effectuate the purposes and provisions of this chapter.

- (4) To make, amend and repeal in accordance with chapter 91 such rules and regulations as it may deem necessary.
- (5) To appoint a manager and a deputy manager who shall have such qualifications as the authority deems necessary and who shall hold their respective offices at the pleasure of the authority. The manager and the deputy manager shall be exempt from the requirements of chapters 76 and 77 and shall receive such salary as the authority may provide; except that the manager's salary shall not exceed the maximum salary provided for department heads of the State and the deputy manager's salary shall not be more than ninety per cent of the manager's salary. The manager shall have full power to administer the affairs of the stadium and related facilities, subject to the direction and approval of the authority. The manager shall, subject to the approval of the authority, have power to appoint, suspend and discharge such other employees, subordinates and assistants as may be necessary for the proper conduct of the business of the authority. All appointments, suspensions or discharges by the manager shall be exempt from the requirements of chapters 76 and 77."

SECTION 2. Section 109-3, Hawaii Revised Statutes, is amended to read:

**"Sec. 109-3 Stadium special fund.** There is created a special fund to be known as the stadium special fund into which funds collected by the authority shall be deposited. The fund shall be applied, used and disposed of for the expenses of operation, maintenance, and management of the stadium and related facilities; provided that all services required for the stadium and related facilities shall be performed by persons hired on contract or otherwise, without regard for chapters 76 or 77."

SECTION 3. A new section is added to chapter 109, Hawaii Revised Statutes, to read:

**"Sec. 109-4 Employee benefits.** All full-time employees of the authority shall be entitled to any benefit program generally applicable to the officers and employees of the State."

SECTION 4. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes may exclude the brackets, the bracketed material, or the underscoring.\*

SECTION 5. This Act shall take effect upon its approval.

(Approved June 2, 1975.)

\*Edited accordingly.

A Bill for an Act Relating to "The Spirit of Liliuokalani".

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The legislature finds that the state capitol should exemplify and symbolize the character and spirit of Hawaii, its past, its present, and its future. The rotunda of the capitol displays a sculpture of Father Damien, a figure prominent in the annals of Hawaiian history. The history of Hawaii is unique among American states, for the State of Hawaii descends directly from a royal monarchy. The legislature further finds that the representation of the monarchy in the state capital will bring to the people of the State, and our many visitors, increased awareness, and a permanent reminder of the people who played important roles in the development of Hawaii. The purpose of this Act is to recognize that the State of Hawaii, while occupying a progressive role in the modern world, must be ever mindful of the richness of the society, the people, and the heritage of Hawaii preceding the annexation of Hawaii by the United States.

SECTION 2. There is established, adjunct to the state foundation on culture and the arts and within the department of budget and finance, a jury to be appointed by the governor to recommend commissioning of an artist based on a design competition, for the creation of a sculpture of Queen Liliuokalani, to be entitled "The Spirit of Liliuokalani" and to be placed for permanent display at the state capitol. The members appointed to the jury shall be selected in consultation with appropriate community organizations and individuals to ensure that it shall be composed of persons with knowledge and appropriate appreciation of the arts, or with knowledge and appropriate appreciation of the role of Queen Liliuokalani in the history of Hawaii. The members of the jury shall serve without compensation but shall be reimbursed for expenses necessary to the discharge of their duties.

SECTION 3. There shall be a design competition, to be conducted by the jury, assisted by the state foundation on culture and the arts, the judging of which shall be conducted by the jury established in section 2 of this Act. In making its final recommendation for commission of an artist, the jury shall give preference to artists residing in the State of Hawaii to ensure the devotion of the sculpture to the spirit of Hawaii.

SECTION 4. The jury shall report on its final recommendation for commissioning to the legislature, within two years of the appointment of the jury.

SECTION 5. This Act shall take effect upon its approval.

(Approved June 2, 1975.)

A Bill for an Act Relating to the Hawaii Insurance Law.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 431-318, Hawaii Revised Statutes, is amended to read:

**“Sec. 431-318 Taxation.** (a) Each authorized insurer, except life insurers and ocean marine insurers, shall pay to the director of finance through the insurance commissioner, in the case of domestic insurers a tax of 2.635 per cent, and in the case of other insurers a tax of 3.8025 per cent, on the gross premiums received from all risks or property resident, situated, or located within this State, during the year ending on the preceding December 31 less return premiums (but not including dividends paid or credited to policyholders), and less any reinsurance accepted (the tax upon such business being payable by the direct writing insurer).

All premiums written, procured, or received in the State shall be presumed to have been from risks or property resident, situated, or located within the State. This presumption may be rebutted as to any premium: (1) by showing that it has been properly allocated or apportioned and reported as a taxable premium of another state or other appropriate taxing authority; (2) by facts as to the residence, situation, or location of the risks or property, conclusively showing the nontaxability of the premium.

(b) Each life insurer shall pay to the director of finance, through the commissioner, in the case of domestic insurers a tax of 1.755 per cent, and in the case of other insurers a tax of 2.925 per cent, on the gross premiums received from all risks resident within this State, during the year ending on the preceding December 31, less return premiums, dividends paid or credited to policyholders, and reinsurance accepted (the tax upon such business being payable by the direct writing insurer).

The tax also shall apply to premiums for insurance written on individuals residing outside the State unless the direct writing insurer shall show the payment of a comparable tax to another appropriate taxing authority. Such showing may be required as to any premium written, procured or received in the State.

(c) Each insurer shall, with respect to all ocean marine insurance contracts written within the State, during the year ending on the preceding December 31, pay to the director of finance through the commissioner a tax of .8775 per cent on its gross underwriting profit. The gross underwriting profit shall be ascertained by deducting from the net premiums (i.e., gross premiums less all return premiums and premiums for reinsurance ceded) on such ocean marine insurance contracts, the net losses paid (i.e., gross losses paid less salvage and recoveries on reinsurance ceded) during such year under such contracts. In the case of an insurer issuing participating contracts, the gross underwriting profit shall not include, for computation of the tax prescribed by this subsection, the amount refunded, or paid as participation dividends, by such insurer to the holders of such contracts.

(d) No return premium shall be deductible unless the original gross premium, or an adjustment thereof, in an amount equal to or in excess of the return premium, has been concurrently or previously reported as taxable under this section or a prior similar law of the State.

(e) The tax shall be due and payable on March 15 succeeding the filing

of the statement provided for in section 431-317. Any insurer failing or refusing to render the statement and to pay the required taxes above stated, for more than thirty days after the time so specified, shall be liable to a penalty of \$25 for each day of delinquency, and the taxes may be collected by distraint, and the penalty recovered by an action to be instituted by the commissioner in the name of this State, in any court of competent jurisdiction, and the commissioner may suspend the certificate of authority of the delinquent insurer until the taxes and fine, should any be imposed, are fully paid.

(f) For the calendar year 1976, and each calendar year thereafter, taxes imposed by subsections (a), (b), and (c) of this section shall be paid as follows:

- (1) Insurers whose annual tax liability for the preceding year was more than \$5,000 shall pay their taxes on a monthly basis. The taxes shall be due and payable on or before the last day of the calendar month following the month in which they accrue;
- (2) Insurers whose annual tax liability for the preceding year was more than \$1,000 and up to \$5,000 shall pay their taxes on a quarterly basis. The taxes shall be due and payable on or before the last day of the calendar month following the quarter in which they accrue; and
- (3) Insurers whose annual tax liability for the preceding year was \$1,000 or less shall pay their taxes as provided for in subsection (e) of this section.

In establishing the prepayment amount of an insurer who has acquired the business of another insurer, the amount of tax liability of the acquiring insurer for the preceding calendar year shall be deemed to include the amount of tax liability of the acquired insurer for that year.

All amounts paid under this subsection, other than penalties, shall be allowed as a credit on the annual tax imposed by subsections (a), (b), and (c) of this section.

If the total amount of installment payments for any calendar year exceeds the amount of annual tax for that year, the excess shall be treated as an overpayment of annual tax and be allowed as a refund under section 431-319. Any insurer failing to pay taxes when due and payable, shall be liable to a penalty of \$25 for each day of delinquency, and the taxes may be collected by distraint, and the penalty recovered by an action to be instituted by the commissioner in the name of the State, in any court of competent jurisdiction, and the commissioner may suspend the certificate of authority of the delinquent insurer until the taxes and fine, should any be imposed, are fully paid."

SECTION 2. New material is underscored. In printing this Act, the revisor of statutes need not include the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved June 2, 1975.)

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\*Edited accordingly.



A Bill for an Act Relating to Civil Service and Exemptions.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 76-16, Hawaii Revised Statutes, is amended to read:

“**Sec. 76-16 Civil service and exemptions.** The civil service to which this part applies comprises all positions in the state service now existing or hereafter established and embraces all personnel services performed for the State, except the following:

- (1) Commissioned and enlisted personnel of the Hawaii national guard as such, and positions in the Hawaii national guard which are required by state or federal laws or regulations, or orders of the national guard, to be filled from such commissioned or enlisted personnel;
- (2) Positions filled by persons employed by contract where the director of personnel services has certified that the service is special or unique, is essential to the public interest and that, because of circumstances surrounding its fulfillment, personnel to perform such service cannot be obtained through normal civil service recruitment procedures. Any such contract may be for any period not exceeding one year;
- (3) Positions of a temporary nature needed in the public interest where the need for the same does not exceed one year, but before any person may be employed to render such temporary service the director shall certify that the service is of a temporary nature and that recruitment through normal civil service recruitment procedures is not practicable;
- (4) Positions filled by the legislature or by either house or any committee thereof;
- (5) Employees in the office of the governor and household employees at Washington Place and six employees in the office of the lieutenant governor;
- (6) Positions filled by popular vote;
- (7) Department heads, officers and members of any board, commission, or other state agency whose appointments are made by the governor or are required by law to be confirmed by the senate;
- (8) Judges, referees, receivers, masters, jurors, jury commissioners, notaries public, land court examiners, court commissioners, and attorneys appointed by a state court for a special temporary service;
- (9) One secretary or clerk for each justice of the supreme court and each judge of the circuit court; one law clerk for each justice of the supreme court and each judge of the circuit court (provided that the law clerk for a judge of the circuit court shall be employed in lieu of and shall have the powers and duties of a court officer and bailiff under section 606-14); and one private secretary for each department head, each deputy or first assistant, and each additional deputy, or assistant deputy, or assistant defined in subparagraph (17);
- (10) Assistant and deputy attorneys general and law clerks;

- (11) Teachers, principals, vice-principals, district superintendents, chief deputy superintendents; other certificated personnel, and not more than twenty non-certificated administrative, professional, and technical personnel not engaged in instructional work in the department of education, and members of the faculty of the University of Hawaii, including research workers, extension agents, personnel engaged in instructional work and administrative, professional, and technical personnel of the university;
- (12) Employees engaged in research projects approved by the governor, for which projects federal funds are available, provided the period of employment shall not exceed one year;
- (13) Election inspectors, election clerks and other election employees;
- (14) Positions filled by inmates, kokua, patients, and students of state institutions, and persons with severe physical or mental handicaps participating on the work experience training programs under Titles 1 and 2 of the Federal Manpower Development and Training Act of 1962, as amended;
- (15) A custodian or guide at Iolani Palace, Royal Mausoleum, and Hulihee Palace;
- (16) Positions filled by persons employed on a fee, contract, or piecework basis who may lawfully perform their duties concurrently with their private business or profession or other private employment and whose duties require only a portion of their time, if it is impracticable to ascertain or anticipate the portion of time to be devoted to the service of the State;
- (17) Positions of first deputies or first assistants of each department head appointed under or in the manner provided in section 6, article IV, of the State Constitution; three additional deputies or assistants either in charge of the highways, harbors, and airports divisions or such other functions within the department of transportation as may be assigned by the director of transportation, with the approval of the governor; one additional deputy to administer all hospitals within the jurisdiction of the department of health; one additional deputy in the department of health to administer all environmental health programs within the jurisdiction of the department; one additional deputy in the department of social services and housing either in charge of welfare or such other functions within the department as may be assigned by the director of social services and housing; and an administrative assistant to the superintendent of education;
- (18) Positions specifically exempted from this part by any other law; provided that all of the positions defined by paragraph (9) shall be included in the position classification plan;
- (19) Positions in the state foster grandparent program and positions for temporary employment of senior citizens in occupations in which there is a severe manpower shortage or in special projects.

The director shall determine the applicability of this section to specific positions.

Nothing in this section shall be deemed to affect the civil service status of any incumbent, as it existed on July 1, 1955.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved June 2, 1975.)

## ACT 176

S.B. NO. 42

A Bill for an Act Relating to Environmental Shoreline Protection.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 205A, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated, and to read as follows:

**“PART II. INTERIM CONTROLS**

**Sec. 205A- Findings and purposes.** The legislature finds that, until a general coastal management program can be developed and implemented, special interim controls on developments within an area along the shoreline are necessary to avoid permanent losses of valuable resources and the foreclosure of management options, and to ensure that adequate access, by dedication or other means, to public owned or used beaches, recreation areas, and natural reserves is provided. The legislature finds and declares that it is the state policy to preserve, protect, and where possible, to restore the natural resources of the coastal zone of Hawaii.

**Sec. 205A- Definitions.** As used in this part, unless the context otherwise requires:

- (1) “Authority” means the county planning commission except in counties where the county planning commission is advisory only in which case “authority” means the county council or such body as the council shall by ordinance designate.
- (2) “Development” means, on land, in or under water, any of the following, the total cost or fair market value of which exceeds \$25,000 or which significantly affects the coastal zone, taking into account potential cumulative effects: The placement or erection of any solid material or any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including but not limited to, the division or subdivision of land; change in the intensity of use of water, ecology related thereto, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private or public utility, and the extensive removal of vegetation, except crops. Whenever any of the above described ac-

\*Edited accordingly.

tivities is or may become a part of a larger project, the total cost or fair market value of the activity for the purposes of this chapter shall be the total cost or fair market value of this larger project. Development does not include construction, repairs or maintenance of a single family residence which is not a part of a larger development.

- (3) "Applicant" includes any individual, organization, partnership, or corporation, including any utility, and any agency of federal, state, and county government.
- (4) "Shoreline" means the line at the seashore along the upper reaches of the wash of the waves, usually evidenced by the vegetation line or, if there is no vegetation line, then by debris left by the wash of the waves.
- (5) "Special management area" means the land extending not less than one hundred yards inland from the "shoreline" as defined within this part. The special management area shall also include the surrounding area extending one hundred yards from the border of any body of surface water subject to salinity intrusion or tidal influences and the waters themselves. However, such areas which abut any inland waterway or body of water wholly or partially improved with walls and upon portions of which there are numerous residential, commercial, or other structures of a substantial nature in existence as of the effective date of this bill, are excluded from the management area.
- (6) "Structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

**Sec. 205A- County area boundaries.** Each county shall, after holding public hearings, provide for the delineation of the boundary of the special management area of that county on maps of appropriate scale. Copies of such maps shall be filed with the authority prior to December 1, 1975.

**Sec. 205A- Special management area objectives.** The objectives of the special management area shall be the maintenance, restoration, and enhancement of the overall quality of the coastal zone environment, including, but not limited to, its amenities and aesthetic values, and to provide adequate public access to publicly owned or used beaches, recreation areas and natural reserves.

**Sec. 205A- Special management area policy.** It shall be the policy of the authority through its programs, activities and resources to:

- (1) Maintain the undeveloped portion of the special management area of the State where needed for recreation, scenic, educational and scientific uses in a manner that protects resources and is of maximum benefit to the general public.
- (2) Encourage public and private agencies to manage the natural resources within the State in a manner that avoids or minimizes adverse effects on the environment and depletion of energy and natural resources to the fullest extent.
- (3) Protect the shorelines of the State where needed from encroachment of man-made improvements and structures.

- (4) Encourage the definition and development of operational criteria and standards for the special management area which lead toward progressive enhancement of the relationship between mankind and the natural environment.
- (5) Carry out a program of intergovernmental and private-public interaction and coordination on the special management area planning and management.
- (6) Encourage citizen participation in the planning process for the special management area so that it continually embraces more citizens and more issues.

**Sec. 205A- Guidelines.** In implementing this part, the authority shall adopt the following guidelines for the review of developments proposed in the special management area:

- (1) All development in the special management area shall be subject to reasonable terms and conditions set by the authority in order to ensure:
  - (A) Adequate access, by dedication or other means to publicly owned or used beaches, recreation areas, and natural reserves is provided to the extent consistent with sound conservation principles.
  - (B) Adequate and properly located public recreation areas and wildlife preserves are reserved.
  - (C) Provisions are made for solid and liquid waste treatment, disposition, and management which will minimize adverse effects upon special management area resources.
  - (D) Alterations to existing land forms and vegetation except crops, and construction of structures shall cause minimum adverse effect to water resources and scenic and recreational amenities and minimum danger of floods, landslides, erosion, siltation, or failure in the event of earthquake.
- (2) No development shall be approved unless the authority has first found:
  - (A) That the development will not have any substantial adverse environmental or ecological effect except as such adverse effect is clearly outweighed by public health and safety. Such adverse effects shall include, but not be limited to, the potential cumulative impact of individual developments, each one of which taken in itself might not have a substantial adverse effect and the elimination of planning options; and
  - (B) That the development is consistent with the findings and policies set forth in this part.
- (3) The authority shall seek to minimize, where reasonable:
  - (A) Dredging, filling or otherwise altering any bay, estuary, salt marsh, river mouth, slough, or lagoon.
  - (B) Any development which would reduce the size of any beach or other area usable for public recreation.
  - (C) Any development which would reduce or impose restrictions upon public access to tidal and submerged lands, beaches, por-

tions of rivers and streams within the special management area and the mean high tide line where there is no beach.

- (D) Any development which would substantially interfere with or detract from the line of sight toward the sea from the state highway nearest the coast.
- (E) Any development which would adversely affect water quality, existing areas of open water free of visible structures, existing and potential fisheries and fishing grounds, wildlife habitats, or potential or existing agricultural uses of land.

**Sec. 205A- Designation of special management area authority.** The authority is designated the special management area authority and is authorized to carry out the policies and procedures of this part, as it affects the coastal zones of that county.

**Sec. 205A- Permit required for development or structure.** No development or structure shall be constructed in any county within the coastal zone special management area as designated on maps prepared by the county planning department, without obtaining a permit in accordance with this part.

**Sec. 205A- Procedure.** (a) The authority in each county shall adopt prior to December 1, 1975, and pursuant to chapter 91 the rules, regulations and procedures necessary for application of permits and hearings. The authority may require a reasonable filing fee. The fee collected shall be used for the purposes set forth herein.

(b) A hearing shall be set no less than twenty-one nor more than ninety days after the date on which the application is filed, unless the ninety-day period is waived by the applicant. The authority shall give adequate notice to individuals whose property rights may be adversely affected, and written public notice once in a newspaper of general circulation in the county in which the area is situated and once in a newspaper of general circulation in the State at least twenty days in advance. The notice shall state the nature of the proposed development for which a permit application is made and of the time and place of the public hearing.

Any such hearing shall when possible be held jointly and concurrently with an environmental impact statement hearing, if such hearing is held under chapter 343. In counties with council districts, the hearing shall be held in the council district in which the development is proposed.

(c) The authority shall act upon an application within thirty days after the conclusion of the hearing, unless an extension has been agreed to by the applicant. Such action shall be final, unless otherwise mandated by court order when a judicial review is sought pursuant to chapter 91.

(d) No county or state department authorized to issue permits pertaining to any development within the special management area shall authorize any development unless approval is first received from the authority, in accordance with the procedures adopted pursuant to this part.

**Sec. 205A- Emergency and minor permits.** Each county authority shall provide specific procedures not inconsistent with this part for the issuance of a permit, pursuant to the procedural requirements within this part, and judicial review from the grant and denial thereof, in cases of emergency requiring

immediate action to prevent substantial physical harm to persons or property and in cases of minor permits for structural developments not in excess of \$25,000.

**Sec. 205A- Appeals.** Any person, including an applicant for a permit, aggrieved by the decision or action of a permit-granting authority, shall have a right to judicial review of any decision or action of the authority.

**Sec. 205A- Penalties.** (a) Any person who violates any provision of this part shall be subject to a civil fine not to exceed \$10,000.

(b) In addition to any other penalties, any person who performs any development in violation of this part shall be subject to a civil fine not to exceed \$500 a day for each day in which such violation persists."

SECTION 2. Sections 205A-1 through 205A-3 are designated as part I of Chapter 205A entitled "Coastal Zone Management."

SECTION 3. This part shall not apply to developments or structures for which a building permit, planned development permit, planned unit development permit or ordinance, or special permit for cluster development was issued prior to December 1, 1975, or to subdivisions of property into single family residential lots of one acre or less which have received final approval and on which subdivision improvements including but not limited to grading, utilities, roads, street lighting and all required on-site and off-site improvements have been completed prior to December 1, 1975. This part shall not apply to interior renovations.

SECTION 4. Severability. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 5. This part shall take effect upon its approval, and shall remain in effect until implementation of a coastal zone management program pursuant to coastal zone management Act of 1972, Public Law 92-583, and to Section 205A-1 and Section 205A-2, Hawaii Revised Statutes.

(Approved June 2, 1975.)

ACT 177

S.B. NO. 142

A Bill for an Act Relating to Sick Leave Benefits for Public Officers and Employees and Making an Appropriation Therefor.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 88, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"**Sec. 88- Credit for unused sick leave.** A public employee who retires or leaves government service in good standing with sixty days or more of unused sick leave shall be entitled to additional service credit in the retirement system as follows:

- (1) An employee with sixty days of unused sick leave to his credit shall have his years of service increased by three months for the purpose of computing his retirement allowance.
- (2) For each additional twenty days or major fraction thereof of unused sick leave in excess of sixty days that the employee has to his credit he shall have his years of service increased by one month for the purpose of computing his retirement allowance.

The allowance on service retirement of section 88-74 and the service benefit limitation therein shall not apply to retirement allowances which exceed such limitations by virtue of the application of this section in the computation of retirement allowances and no reduction in such retirement allowances shall be made on account of such limitations.”

SECTION 2. Section 88-71 is amended to read as follows:

“**Sec. 88-71 Credited service at retirement.** Credited service at retirement on which the retirement allowance of a member shall be based shall consist of his membership service, his credit for unused sick leave as provided in section 88- , and his prior service, if any, as provided in this part.”

SECTION 3. New material is underscored. In printing this Act, the revisor of statutes need not include the underscoring.\*

SECTION 4. This Act shall take effect July 1, 1975.

(Approved June 2, 1975.)

ACT 178

S.B. NO. 637

A Bill for an Act Relating to the Employees Retirement System of the State of Hawaii.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 88-74, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 88-74 Allowance on service retirement.** Upon retirement for service, a member shall receive a retirement allowance as follows:

- (1) If the member has attained the age of fifty-five, a retirement allowance of one-fiftieth of the average final compensation of the member multiplied by the total number of years of his credited service; provided that after June 30, 1968, if the member has at least ten years of credited service of which the last five or more years prior to retirement is credited service as a fireman or policeman; and provided that after June 30 following the date of actual transfer of the county jails by executive order of the governor, if the member has at least ten years of credited service of which the last five or more years prior to retire-

\*Edited accordingly.



ment is credited service as a corrections officer, then for each year of service as a fireman, a policeman or a corrections officer, the retirement allowance shall be two and one-half per cent of his average final compensation; provided further, that the maximum retirement allowance for such a member shall not exceed eighty per cent of his average final compensation. If the member has not attained the age of fifty-five, his retirement allowance shall be computed as though he had attained age fifty-five, reduced in accordance with factors of actuarial equivalence adopted by the board upon the advice of the actuary; provided that no such reduction shall be made if the member has at last twenty-five years of credited service of which the last five or more years prior to retirement is credited service as a fireman, policeman or corrections officer.

- (2) If the member has made voluntary additional contributions for the purchase of an additional annuity and has not applied for the refund thereof as permitted by section 88-72, he may accept such refund at time of retirement or, in lieu thereof, receive in addition to the retirement allowance provided in (1) hereof, an annuity which is the actuarial equivalent of such additional contributions with regular interest.
- (3) If the member has credited service as a judge or an elective officer, his retirement allowance shall be computed on the following basis:
  - (A) Irrespective of age, for each year of credited service as a judge or an elective officer, three and one-half per cent of his average final compensation in addition to an annuity which is the actuarial equivalent of his accumulated contributions allocable to the period of such service; and
  - (B) For all other credited service as provided in subsections (1) and (2) hereof. No allowance shall exceed seventy-five per cent of the average final compensation. If the allowance exceeds this limit, it shall be adjusted by reducing the annuity included in (A) of this subsection and the portion of the accumulated contributions specified in the same subsection as may be in excess of the requirements of the reduced annuity shall be returned to the member.

The allowance for judges under this section, together with the retirement allowance provided by the federal government for similar service, shall in no case exceed seventy-five per cent of average final compensation."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved June 2, 1975.)

\*Edited accordingly.

A Bill for an Act Relating to Establishment of a Statewide Transportation Council and a Statewide Transportation Planning Program.

*Be It Enacted by the Legislature of the State of Hawaii:*

**SECTION 1. Statement of purpose.** The legislature finds that continued growth in transport demand and increasing mobility requirements indicate a need for innovative, as well as improved, transportation systems which, while serving local needs, are integrated on a statewide basis. The State Transportation Plan of 1961 is no longer responsive to the needs of the people of Hawaii. A comprehensive, multi-modal statewide transportation planning process should be established which involves all levels of government in a cooperative process to develop coordinated transportation plans. Coordination of such a statewide planning process should be the primary responsibility of the Department of Transportation. However, to ensure that statewide transportation planning involves the continuing involvement of county governments in the production of a statewide transportation plan, there is a need to establish a statewide Transportation Council consisting of representatives of the state government and each of the four counties. There is no intent to diminish or pre-empt the existing authorities and responsibilities of county governments for the planning and implementation of transportation systems. It is the purpose of this Act to provide a means of coordinating the state's existing responsibilities for inter-island and major highway transportation planning and development with counties' responsibilities for intra-island surface transportation system planning and development, in order to facilitate the ultimate production of a statewide transportation plan which optimizes intra-island and inter-island system integration.

**SECTION 2.** The State Department of Transportation shall prepare a new statewide transportation plan and shall submit said plan to the legislature in its 1978 session. The legislature shall adopt the plan by resolution. The plan shall be directed toward the ultimate development of a balanced, multi-modal statewide transportation system that serves clearly identified social, economic and environmental objectives. The statewide transportation plan shall include, but not be limited to, the following system components: (1) the national system of interstate and defense highways, and highways within the state highway system; (2) airports; (3) harbors and water-borne transit; (4) surface mass transit systems; and (5) major county roads.

The Department of Transportation shall pay particular attention to the interfacing of the various modes of transportation.

The statewide transportation plan shall include projected transportation needs for a six-year period and a schedule of priorities for the construction, modification and maintenance of various segments of the statewide plan which involve either state operated systems or county operated systems which may require state financial assistance for a twenty-year period. Both the six-year and twenty-year estimates shall be updated annually.

**SECTION 3.** The statewide transportation plan shall include a financial

plan for the projected elements of the statewide transportation system, including both those sub-systems which are within the counties' authorities and responsibilities and the sub-systems which are within the state's authorities and responsibilities. In respect to sub-systems planned and to be implemented by the counties, the financial plan will identify those which may involve state financial assistance and will estimate the projected amounts of such assistance.

The financial plan shall consider various sources of revenue without regard to any constraints imposed by law on expenditures from such sources necessary to assure adequate financing of the sub-systems and, if necessary, recommend appropriate legislation to the legislature to secure such financing.

SECTION 4. To assist and advise the State Department of Transportation in the development of the statewide transportation plan there is hereby established a Statewide Transportation Council consisting of twelve members. The members of the council shall be the directors of the State Department of Transportation, the State Department of Planning and Economic Development, the State Department of Health, and the State Office of Environmental Quality Control, the planning directors of each of the four counties, and the transportation directors of each of the four counties. The members may be represented at council meetings by their designated alternates. The Director of the State Department of Transportation shall submit recommendations to the council for additional ex-officio nonvoting members who, upon the majority vote of the council, shall be invited to serve.

The Department of Transportation is authorized and directed to furnish staff support to the council; such staff may be exempt from the provisions of Chapters 76 and 77, H.R.S. The Director of the Department of Transportation shall be the chairman of the council. All decisions of the council shall be by majority vote unless otherwise provided.

SECTION 5. The operations of the council will be financed by funds appropriated by Section 79A, Act 218, Session Laws of Hawaii, 1973, as amended by Section 9, Act 218, Session Laws of Hawaii, 1974. An annual recommended budget for the council shall be prepared by its chairman and submitted to the council for approval. Funds may be expended for staff services, administrative and operating costs, travel and per diem costs of council members and staff, hiring of consultants to assist in work program formulation, planning and research, publication of materials, and any other activities necessary and incidental to the effective operations of the council in fulfilling the purposes of this Act.

SECTION 6. The State Department of Transportation shall formulate a detailed work program through which the statewide transportation plan mandated by this Act shall be developed. The work program shall be approved by the council no later than September 1, 1975. The council shall report thereafter annually to the legislature on the progress that has been made to date as measured against the work plan.

The work program shall provide for a systematic planning interface among the ongoing planning activities of the counties, the State Department

of Transportation, and the council itself. The work program shall include specific target dates for the provision of identified planning inputs from the responsible state and county functional agencies into the statewide planning process. In determining this schedule, the council shall solicit from the counties their present transportation planning schedules for intra-county systems, and the council's work program shall reflect the counties' existing work product schedule and planning cycles.

SECTION 7. In addition to its responsibility for coordinating the development of a statewide transportation plan, the council shall be responsible for the following functions:

- (1) The council shall be responsible for all transportation planning and approval of projects for submission to the legislature which involves solely and exclusively either state highways, harbors and water-borne transit, and airports and air transportation; solely and exclusively state funds; or solely state lands. All other transportation planning and approval of projects for submission to the legislature, including intra-county mass transit projects, shall be the responsibility of the counties.
- (2) In respect to transportation projects for which the counties are responsible for planning and approval prior to submission to the legislature, the council shall review such projects and prepare comments for the legislature regarding
  - (A) The degree to which an intra-island transportation project interfaces efficiently with existing proposed inter-island transportation system, and
  - (B) The relationship between the specific projects' possible requirements for state financial assistance and projections as to the state's total potential financial commitments required for development of a statewide transportation system.
- (3) Counties which do not have Metropolitan Planning Organizations may request from the council, and the council shall provide, technical assistance to the counties in the preparation of their respective county transportation plans as components of the statewide transportation planning process. The amounts of technical assistance to be provided hereunder are within the discretion of the chairman who shall consider in making his determinations the magnitude of the problems which exist in the requesting counties, the availability of local resources, the degree to which they are cooperatively participating in the statewide planning process and the adequacy of the council's budget considering the financial requirements of overall council operations.

SECTION 8. The provisions of this Act do not affect the entitlement of the Metropolitan Planning Organization for the island of Oahu to unconditionally receive and administer transportation planning funds pursuant to Section 112 of the Federal-Aid Highway Act of 1973.

SECTION 9. The council shall be responsible for limiting and curtailing the numbers and kinds of transportation units in the State. The council shall determine annually, after consultation with the department of traffic and oth-

er appropriate departments of the counties, the number, size, and use of transportation units of any kind that may be within the territory of any island of the State at any one time. The council shall make its determination on the basis of preserving, safeguarding, and enhancing the physical and mental health of the residents of the State, and the ecology and environmental quality of the State, and shall take into consideration the need for high priority and vital movement of people and goods. The council shall report its findings to the legislature twenty days prior to the opening of each regular session.

SECTION 10. Chapter 279, Hawaii Revised Statutes, is repealed.

SECTION 11. This Act shall take effect upon its approval.

(Approved June 2, 1975.)

## ACT 180

S.B. NO. 1215

A Bill for an Act Relating to Establishment of an Oahu Metropolitan Planning Organization and Policy Committee.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. **Statement of purpose.** The legislature finds that section 112 of the Federal-Aid Highway Act of 1973, section 9 of the Urban Mass Transportation Act of 1964, as amended, and other federal law require that a metropolitan planning organization be designated to act as an advisory urban transportation planning organization and to receive certain funds for the purpose of carrying out continuing, comprehensive, cooperative urban transportation planning. It is further suggested that the organization be established under specific state legislation to coordinate metropolitan transportation planning.

The Oahu Transportation Planning Program, a quasi-agency presently charged with coordinating transportation planning on Oahu has been unable to satisfy federal requirements for a "continuing, comprehensive, and cooperative," transportation planning process. As a result, the Federal Highway Administration and the Urban Mass Transportation Administration have decertified Oahu transportation programs for federal funding. This problem has resulted in statewide concern about the effects of decertification because of its impact on transportation programs and consequently employment and also because Oahu contains the greater part of the state's population and employment.

In order to be recertified, it is mandatory that a Metropolitan Planning Organization be established and designated by the State as soon as possible. Loss of all Federal planning and construction funds for transit and transportation will continue until this is done.

This MPO will be primarily an advisory body to the Legislature and the legislative body of the appropriate county in affairs involving the continuous, comprehensive, cooperative urban transportation planning for the county. The act is designed to provide the mechanism by which orderly and reasoned urban transportation planning can take place within the framework of Federal law and the need to provide for adequate and informed representation

from both the State and County governments and the public at large.

It is appropriate that each unit of general purpose government within the jurisdiction of the Metropolitan Planning Organization shall have adequate representation on the Metropolitan Planning Organization. The Metropolitan Planning Organization (MPO), will, utilizing input from appropriate state and city agencies, coordinate and develop a prospectus and a unified planning work program, a transportation plan and a transportation improvement program including an annual element of projects recommended for funding in order to provide this advice to legislative and government agencies. It is very important that the delineation of state and county functions relating to transportation within the metropolitan area be carefully considered in the designation of the MPO.

Hawaii's state government differs markedly from most mainland states. Hawaii has a two-tier government: the State and the various counties. The state government functions as a general purpose government having the responsibility for many programs, such as public education, health, welfare and judiciary, which are usually controlled by local government in mainland states. In addition, land use, through the State Land Use Commission, is generally determined by the State rather than by the counties as is usually the case on the mainland. In transportation, the state government has responsibility for such normally local government programs as airports, bikeways, harbors and waterways.

Hawaii's two-tier government did not come about by accident, it was the result of careful consideration and study of Hawaii's unique geographic configuration. As a state comprised of islands, Hawaii has four counties, each consisting of separate islands and consequently are not contiguous.

Because the State of Hawaii is comprised of islands, much of the transportation planning done by the State is designed to facilitate transportation solely within the county in which the project is built. Obviously, a state highway built on the island of Oahu will only serve that island. Hence, for example, the State's three major defense highways, H-1, H-2 and TH-3, which are all located on Oahu, while designated as state highways, serve only the transportation needs of the residents of Oahu. However, this is entirely consistent with the present delineation of roadway functions in Hawaii. The State is generally responsible for providing highway facilities that facilitate inter-community transportation, with the counties primarily responsible for local intra-community streets and roads. As a result, the State has by design a major portion of the responsibility for transportation in each county, and more importantly for that part of the transportation network most closely related to and impacting on planning in general and transportation planning in particular.

Unlike most mainland states, Hawaii has only one urbanized area, the City and County of Honolulu, where eighty-one percent (81%) of the state's population reside. In transportation, the State has programmed approximately \$149 million dollars in new highway facilities for Oahu in Fiscal Year 1976 as compared to approximately \$31 million dollars by the City and County of Honolulu. Additionally, the state's major airports and harbors are located on

Oahu. In short, the State has responsibility for most of the major transportation facilities and projects on Oahu and any designation of an MPO must take this into account. Designation of an MPO which does not provide for significant state participation simply does not recognize the existing delineation of state and county functions relating to transportation in Hawaii.

The MPO must be designed to prevent the type of situation which led to the decertification of the OTPP; it must have its own coordinating staff independent of either state or county agencies; it must be accessible and accountable to the public; and it must provide for public input.

The purpose of this Act is to establish and specify the role of the organization to be designated by the Governor as the MPO as required by 23 U.S.C. 134 and section 4(a) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1603(a)), which requires comprehensive planning of transportation improvements.

#### **SECTION 2. Establishment of Metropolitan Planning Organization.**

There is established in each county with a population in excess of 200,000 a metropolitan planning organization called the Metropolitan Planning Organization, abbreviated by the letters MPO. The MPO shall be an advisory body responsible for carrying out continuing, comprehensive, transportation planning process in cooperation with the State and the appropriate county in order to advise appropriate state, county and federal agency regarding that process.

The MPO shall develop through continuing cooperative input from state and county planning agencies, the transportation plans and planning processes or policies enumerated herein and shall submit those plans and planning processes together with any other advice on transportation planning as may be required to the State Legislature, the State department of transportation, the State department of planning and economic development, the legislative body of the appropriate county, the transportation and planning agencies of the appropriate county, and appropriate federal agencies.

The MPO shall further assist and advise the State legislature, the State department of transportation, the State department of planning and economic development, the legislative body of the appropriate county and the transportation and planning agencies of the appropriate county in carrying out comprehensive metropolitan transportation planning embracing airports, bike-ways, harbors, highways, transit and waterways within the appropriate county. The MPO shall assist and advise such appropriate agencies in evaluating studies and programs related to transportation planning. The MPO shall recognize that all of its activities shall be primarily advisory, and that the policy making powers shall remain with the legislature or the legislative body of the appropriate county, whichever the case may be. The MPO is to develop and recommend policies, priorities, and techniques relating to transportation planning, and shall be directly accountable to the legislature and the legislative body of the county as an advisory body.

For administrative purposes only, each MPO shall be assigned in part to the Department of Transportation of the State of Hawaii and in part to the county.

Nothing in this law is intended to change the basic jurisdiction for planning responsibilities already given to the state and county agencies in existing statutes and ordinances. Those state and county agencies are to cooperate with the MPO by providing input from their present planning processes and the MPO will advise those agencies by way of submitting to them the coordinated plan which it develops.

**SECTION 3. MPO membership.** The MPO shall consist of a Policy Committee and appropriate staff. The MPO Policy Committee shall consist of nineteen members. These members shall include: Nine members of the legislative body of the appropriate county; five members of the State Senate who are residents of the county and who are appointed by the Senate President; and five members of the State House of Representatives who are residents of the county and who are appointed by the Speaker of the House.

Each member of the MPO Policy Committee who is a member of the State Legislature or the legislative body of the county shall serve for the same as the term of office for which he is elected. There shall be no remuneration for this service. Each member shall be appointed or selected within sixty days of the effective date of this chapter.

Vacancies in the MPO Policy Committee which occur shall be filled in the same manner in which the original member was appointed.

**SECTION 4. Chairperson: function and term of office.** The members of the MPO Policy Committee shall elect annually a chairperson on a rotating basis. No member shall serve as chairperson for more than one year per term of appointment.

The Chairperson shall place on the agenda for full hearing any issue, project or subject matter relating to transportation which is requested by at least five members of the MPO Policy Committee.

**SECTION 5. Staff and funding.** Each MPO shall have a full-time staff independent of state and county agencies. The MPO Policy Committee shall appoint all members of the staff, none of whom shall be subject to chapters 76 and 77 and part II of chapter 88. Nothing herein shall be deemed to prohibit the MPO from utilizing, through contractual arrangements, the staff resources of other local agencies, state agencies, and other quasi-public or private organizations to assist the MPO in its functions.

During the remainder of fiscal year 1975 and during fiscal year 1976 each such MPO is authorized to have not less than the equivalent staff positions authorized for the present organizations responsible for metropolitan transportation planning and designated in accordance with the provisions of 23 U.S.C. 134.

Any provision of law to the contrary notwithstanding, all officers and employees of the existing Oahu Transportation Planning Program are hereby transferred to the MPO for Oahu with their respective functions and duties, and shall continue to perform their functions and duties in accordance with this Act.



**SECTION 6. Meetings.** The MPO Policy Committee shall meet no less than twice a quarter. Notice of meetings shall be published in a newspaper of general circulation at least forty-eight hours in advance and such meetings shall be open to the public.

Where the MPO makes a decision concerning input to any of its advisory plans or procedures or any other matter than there shall be at least seven legislative members and five city or county council members of the Policy Committee present and the decision must be made by a majority vote of the entire membership of the MPO.

**SECTION 7. Functions of the MPO.** The functions of each Metropolitan Planning Organization shall include:

- (1) Serve in an advisory capacity to the Legislature, the legislative body of the county, and the appropriate state and county agencies in carrying out continuous, comprehensive and cooperative transportation planning and programming for the county as required by federal laws and rules.
- (2) Obtain information and plans from the appropriate county and state agencies to formulate a short-range six-year transportation plan for the county and an annual update of that plan, and a master multi-modal long range transportation plan for the county in order to advise the Legislature, the legislative body of the county, and other appropriate agencies regarding those plans.
- (3) Review the capital improvement programs of both the county and state for urbanized and rural areas of the county as they concern transportation.
- (4) Integrate transportation planning for the county with a statewide transportation planning program authorized by Act 218, SLH 1974.
- (5) Develop recommendations to the State Legislature and the legislative body of the county regarding transportation policy matters.
- (6) Act as liaison with the intermodal planning group of the Secretary of Transportation.
- (7) Coordinate the mathematical modeling essential to the transportation planning process of the county.
- (8) Ensure a continuing, comprehensive transportation planning process carried on cooperatively by the State and the county.
- (9) Develop a formula for the distribution of metropolitan planning funds which shall consider but not necessarily be limited to population, status of planning, and metropolitan area transportation needs, and submit this formula for approval by the Secretary of Transportation.
- (10) Receive and distribute, as necessary, federal funds under section 112 of the Federal-Aid Highway Act of 1973, the Urban Mass Transportation Act of 1964, as amended, section 13 of the Airport and Airway Development Act of 1970, as amended, and section 5 of the Urban Mass Transportation Act of 1964, as amended.
- (11) Receive and distribute, as necessary, such other funds as may become available to support metropolitan transportation.

- (12) Advise on plans, projects and programs requiring action by the State Legislature or the legislative body of the County which have been submitted for review to the MPO.
- (13) Undertake such other functions as may become appropriate in an advisory capacity to ensure a joint planning process between the County and the State, and advise appropriate legislative bodies and agencies, as necessary.
- (14) If the MPO finds that it is necessary to have a citizens' advisory group to present technical or other expert opinions or facts to the MPO then such a group may be formed.

SECTION 8. The Governor of the State of Hawaii shall have the authority to appoint every agency in the State and in any county of the State which will exercise the duties of the A-95 clearing-house agency required by the United States Office of Management and Budget circular A-95.

SECTION 9. This Bill if enacted will be reviewed by the 1976 Legislature.

SECTION 10. **Effective date.** This Act shall take effect upon its approval.

(Approved June 2, 1975.)

ACT 181

H.B. NO. 141

A Bill for an Act Relating to Mechanic's and Materialman's Liens.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 507-43(a), Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 507-43 Filing notice, contents.** (a) Requirements. Any person claiming a lien shall apply therefor to the circuit court of the circuit where the property is situated. Such "Application For A Lien" shall be accompanied by a written "Notice Of Lien" setting forth the alleged facts by virtue of which the person claims a lien. A copy of the Application and Notice shall be served in the manner prescribed by law for service of summons upon the owner of the property and any person with an interest therein and upon the party or parties who contracted for the improvements if other than the owner of the property or any person with an interest therein. If any person entitled to notice cannot be served as herein provided, notice may be given the person by posting the same on the improvement. The Application shall set forth the amount of the claim, the labor or material furnished, a description of the property sufficient to identify the same, and any other matter necessary to a clear understanding of the claim. If the claim has been assigned, the name of the assignor shall be stated. The Application shall specify the names of the parties who contracted for the improvement, the name of the general contractor and the names of the owners of the property and any person with an interest therein. The Application may (but need not) specify the names of the mortgagees

or other encumbrancers of the property, if any, and the name of the surety of the general contractor, if any.

The Application and Notice shall be returnable not less than three nor more than ten days after service. On the return day, a hearing shall be held by the court to determine whether probable cause exists to permit the lien to attach to the property. Any person to whom notice is required to be given shall be permitted to offer testimony and documentary evidence on the issue of whether probable cause exists to permit the lien to attach. If the person who contracted for the improvement from which the requested lien arises claims a set-off against the lienor or if any person to whom notice is required to be given otherwise disputes the amount of the requested lien, the court shall hear and receive all admissible evidence offered and shall only permit the attachment of a lien in the net amount which the court determines is the reasonably probable outcome of any such dispute. The return day hearing may be continued at the order of the court so that the entire controversy need not be determined on the originally scheduled return day. The lien shall not attach to the property until the court finds probable cause exists and so orders. No such order shall be entered before the Application and Notice have been served on the party contracting for the improvement, the general contractor and the owner of the property, and they were given an opportunity to appear at the hearing."

SECTION 2. Section 507-43, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) Time for filing. The Application and Notice shall be filed not later than forty-five days after the date of completion of the improvement against which it is filed. Where title to the property involved, or any portion thereof, is registered in the land court it shall be incumbent upon the lienor to file a certified copy of the Order Directing Lien To Attach in the office of the assistant registrar of the land court within seven days after the entry thereof in order to preserve his rights against subsequent encumbrancers and purchasers of the property."

SECTION 3. Section 507-43, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) Joint owner. If the fee title to the land involved is held in joint or common ownership or as an estate by the entirety, service upon one of the owners of the Application and Notice in accordance with this section shall be deemed service upon all of the owners. Likewise, if the parties who contracted for the improvement, if other than the owner of fee title to the property involved, hold their interest in the premises in joint or common ownership, or as an estate by the entirety, service upon one of the parties of the Application and Notice in accordance with this section shall be deemed service upon all of the parties."

SECTION 4. Section 507-43, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

"(d) Owner acting through attorney-in-fact. In cases where materials

have been furnished or labor was performed at the request, or upon the order, of a person acting under a duly executed and acknowledged power of attorney from the owner and (1) the power of attorney has not been revoked, or (2) the power of attorney has been revoked subsequent to the furnishing of materials and labor upon request or order and the owner cannot be found within the State, service of the Application and Notice upon the person acting under the power of attorney shall be deemed service upon the owner."

SECTION 5. Section 507-43, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

"(e) Duration of lien. The lien shall expire three months after the entry of the Order Directing Lien to Attach unless proceedings are commenced within that time to collect the amount due thereon by enforcing the same."

SECTION 6. Section 507-44, Hawaii Revised Statutes, is amended to read as follows:

"**Sec. 507-44 Record in circuit courts.** The clerks at the circuit courts shall keep in their respective offices a book called "Notice of completion record" in which shall be entered a memorandum of each notice of completion filed and the date of filing, arranged alphabetically in the names of the owners. There shall also be kept a "mechanics' lien record" in which a memorandum of each Application and Notice filed shall be entered, arranged alphabetically in the names of the claimants and showing the amount of the lien or claim, the date of filing the Application and Notice, the date of the entry of the Order Directing Lien To Attach, the date of withdrawal, discharge or cancellation of the Application and Notice or of a lien which has been directed to attach, and any other matters deemed necessary."

SECTION 7. Section 507-47, Hawaii Revised Statutes, is amended to read as follows:

"**Sec. 507-47 Demand; enforcement; foreclosure, other attachment.** After demand and refusal of the amount due or upon neglect to pay same upon demand, the lien may be enforced by action filed in the circuit court of the circuit in which the property is situated. The demand may be included in the Application and Notice and when so included it shall not be necessary to make separate demand upon any other person. The complaint, in addition to setting forth a claim in the nature of assumpsit, may pray for the foreclosure of the lien as to which notice has been filed and may pray for any incidental relief according to the usual practice of courts of equity and according to this section in enlargement thereof. The owner or his assigns on whose property the lien has attached may file a third-party action against a licensed contractor whom he has paid for improvements as provided for in section 444-28(g), Hawaii Revised Statutes, as amended. All proceedings concerning the same improvement shall, unless good reason otherwise appears, be consolidated for trial and the court may order publication of notice of the pendency of the action. Any person having or claiming an interest in any such proceeding or in the property, including other claimants, lienors, encumbrancers, sureties, indemnitors and the contractors license board may be joined as parties, may be

interpleaded or may be permitted to intervene, under such orders as the court may enter. Interlocutory and final decrees for the foreclosure of the liens, for deficiency judgments, and relief against the parties liable therefor, and fixing the priority of liens between the mechanics and materialmen as a group and other parties having liens against or interests in the property shall be made and entered as near as may be in accordance with the practice on foreclosure of mortgages. If the property or proceeds realized upon the foreclosure sale are insufficient to satisfy all mechanic's and materialmen's liens filed against the same, the property or proceeds shall, after satisfaction of liens for wages for labor entitled to priority under section 507-46, be divided pro rata among the liens according to the principal amounts of the liens, without regard to the order or priority in which the respective Applications and Notices have been filed or the respective actions or interventions commenced.

The court having jurisdiction of the action to foreclose the lien shall have all of the powers pertaining to courts of equity, and in addition may direct the issuance of a writ of attachment or execution upon the motion of any party against the property of any other party, in the same manner as is provided in chapter 651 provided that the writ shall only issue where the claim upon which the motion therefor is based is upon a contract, express or implied, between the parties. In addition to costs of the action the court may allow any fee or fees for legal services rendered by the attorneys for any of the parties, and apportion the same as costs for payment by and between the parties or any of them, all as to the court seems equitable in the light of the services performed and the benefits derived therefrom by the parties respectively."

SECTION 8. Section 507-49(a), Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 507-49 Exceptions.** (a) Anything contained in this part to the contrary notwithstanding, in connection with any repairs or improvements made or performed on property which before the repairs or improvements was used primarily for dwelling purposes, no lien shall exist either for the furnishing of materials to a general contractor as defined in this chapter or his subcontractor either of whom was not licensed pursuant to chapter 444 or if unreasonable advancement of credit was given by the furnisher of materials to the general contractor or subcontractor whether such person is licensed, unlicensed or exempted under chapter 444.

The issue of reasonable advancement of credit shall be decided by the circuit judge at the return day hearing provided for in section 507-43(c); provided that if a party affected by the lien does not appear at said return day hearing, he may raise the issue of unreasonable advancement of credit at any time prior to the entry of a final or interlocutory decree of foreclosure in the proceeding brought to enforce the lien under section 507-47. For the purposes of this section, if the furnisher of materials has secured a credit application form from the general contractor or the subcontractor to whom the materials were furnished or has reasonably inquired into the credit status of said general contractor or subcontractor, the advancement of credit by the furnisher of materials shall be prima facie reasonable.

The credit application referred to herein shall be current and shall include at least the following information:

- A. For all persons:
  - 1. Name
  - 2. Address
  - 3. Type of business (Example—plumbing subcontractor)
  - 4. Date business started
  - 5. Contractor's license number
  - 6. Bonding companies generally used
  - 7. Banks used
  - 8. List of current creditors
  - 9. Balance sheet
  - 10. Total of all outstanding construction contracts \$\_\_\_\_\_
  - 11. Incompleted portion of all contracts \$\_\_\_\_\_
- B. In addition, for corporate accounts:
  - 1. Name of officers
  - 2. Authorized capital
  - 3. Paid in capital
- C. In addition, for noncorporate accounts:
  - 1. Names of partners, co-venturers, etc.

SECTION 9. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of the statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 10. This Act shall take effect upon its approval.  
 (Approved June 2, 1975.)

ACT 182

H.B. NO. 826

A Bill for an Act Relating to Diamond Head State Monument.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 6-15, Hawaii Revised Statutes, is amended to read:

**“Sec. 6-15 Diamond Head State Monument.** There shall be a Diamond Head State Monument as an historical site on Oahu to be administered by the department of land and natural resources and to consist of such lands as the department considers essential to the unimpaired preservation of the visual and historic aspects of Diamond Head and such state lands as may be best used for recreational purposes and to increase public access and enjoyment of the Monument. All state lands within and adjacent to the Monument shall be returned to the department for inclusion within the Monument, except for land upon which is situated a structure in active use for the purposes originally disposed of. The Na Laau Hawaii arboretum and parcels A, B, C, and D as

\*Edited accordingly.

described in Executive Order No. 2000 dated April 9, 1962, establishing Diamond Head State Monument, shall be included within the boundaries of Diamond Head State Monument.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved June 2, 1975.)

## ACT 183

H.B. NO. 1874

A Bill for an Act Relating to the Contractors Recovery Fund.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 444-28, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 444-28 Statute of limitations; recovery from fund.** (a) No action for a judgment which may subsequently result in an order for collection from the contractors recovery fund shall be commenced later than six years from the accrual of the cause of action thereon. When any aggrieved person commences action for a judgment which may result in collection from the contractors recovery fund, the aggrieved person shall notify the contractors license board in writing to this effect at the time of the commencement of such action. The contractors license board shall have the right to intervene in and defend any such action. Nothing in this section shall supersede the statute of limitation as contained in section 657-8.

(b) When any aggrieved person recovers a valid judgment in any circuit court or district court of the county where the violation occurred against any contractor for such act, representation, transaction, or conduct which is in violation of the provisions of this chapter or the regulations promulgated pursuant thereto, which occurred on or after June 1, 1974, the aggrieved person may, upon the termination of all proceedings, including reviews and appeals in connection with the judgment, file a verified claim in the court in which the judgment was entered and, upon ten days' written notice to the contractors license board, may apply to the court for an order directing payment out of the contractors recovery fund, of the amount unpaid upon the judgment, subject to the limitations stated in this section. Before proceeding against the contractors recovery fund, the aggrieved person must first proceed against any existing bond covering the licensed contractor.

(c) The court shall proceed upon such application in a summary manner, and, upon the hearing thereof, the aggrieved person shall be required to show:

\*Edited accordingly.

- (1) He is not a spouse of debtor, or the personal representative of such spouse.
- (2) He has complied with all the requirements of this section.
- (3) He has obtained a judgment as set out in subsection (b) of this section, stating the amount thereof and the amount owing thereon at the date of the application.
- (4) He has made all reasonable searches and inquiries to ascertain whether the judgment debtor is possessed of real or personal property or other assets, liable to be sold or applied in satisfaction of the judgment.
- (5) That by such search he has discovered no personal or real property or other assets liable to be sold or applied, or that he has discovered certain of them, describing them, owned by the judgment debtor and liable to be so applied, and that he has taken all necessary action and proceedings for the realization thereof, and that the amount thereby realized was insufficient to satisfy the judgment, stating the amount so realized and the balance remaining due on the judgment after application of the amount realized.

(d) The court shall make an order directed to the contractors license board requiring payment from the contractors recovery fund of whatever sum it shall find to be payable upon the claim, pursuant to the provisions of and in accordance with the limitations contained in this section, if the court is satisfied, upon the hearing of the truth of all matters required to be shown by the aggrieved person by subsection (c) of this section and that the aggrieved person has fully pursued and exhausted all remedies available to him for recovering the amount awarded by the judgment of the court.

(e) Should the contractors license board pay from the contractors recovery fund any amount in settlement of a claim or toward satisfaction of a judgment against a licensed contractor, the license of the contractor shall be automatically terminated upon the issuance of a court order authorizing payment from the contractors recovery fund. No contractor shall be eligible to receive a new license until he has repaid in full, plus interest at the rate of six per cent a year, the amount paid from the contractors recovery fund on his account. A discharge in bankruptcy shall not relieve a person from the penalties and disabilities provided in this subsection.

(f) If, at any time, the money deposited in the contractors recovery fund is insufficient to satisfy any duly authorized claim or portion thereof, the contractors license board shall, when sufficient money has been deposited in the contractors recovery fund, satisfy such unpaid claims or portions thereof, in the order that such claims or portions thereof were originally filed.

(g) With respect to the repair or alteration of an existing residential building or structure or any appurtenance thereto, including but not limited to swimming pools, retaining walls, garages or sprinkling systems, initial construction of such appurtenances, and landscaping of private residences, including condominium or cooperative units, pursuant to a contract between the owner and a licensed contractor for which the owner has paid the contractor in full, should, because the contractor's default, a mechanic's or materialman's lien be enforced against the property pursuant to section 507-47, the court



hearing the action shall award such an owner or his assigns a valid judgment against the contractor in an amount equal to the amount of the lien together with reasonable attorney's fees as determined by the court. The judgment shall include an order directing payment out of the contractors recovery fund. Notwithstanding any other provision of this section to the contrary, the owner or his assigns need not meet any other requirement to secure payment from the contractors recovery fund, except that notice of the lien enforcement hearing shall be given to the contractors license board so it may appear pursuant to section 444-31."

SECTION 2. Section 444-34, Hawaii Revised Statutes, is amended to read as follows:

"**Sec. 444-34 Maximum liability.** Notwithstanding any other provision, the liability of the contractors recovery fund shall not exceed \$20,000 for any licensed contractor."

SECTION 3. Section 444-35, Hawaii Revised Statutes, is amended to read as follows:

"**Sec. 444-35 Disciplinary action against licensee.** Nothing contained herein shall limit the authority of the contractors license board to take disciplinary action against any licensee for a violation of any of the provisions of chapter 444, or of the rules and regulations of the contractors license board; nor shall the repayment in full of all obligations to the contractors recovery fund by any licensed contractor nullify or modify the effect of any other disciplinary proceeding brought pursuant to the provisions of chapter 444 or the rules and regulations."

SECTION 4. Chapter 444, Hawaii Revised Statutes, is amended by adding a new section to read as follows:

"**Sec. 444- Disclosure.** Any licensed contractor entering into a contract involving home improvements shall upon or before signing the contract, but before the application for a building permit:

(a) Explain verbally in detail to the owner all lien rights of all parties performing under the contract including the homeowner, the contractor, any subcontractor or any materialman supplying commodities or labor on the project.

(b) Explain verbally in detail the owner's option to demand bonding on the project, how such a bond would protect the owner and the approximate expense of such a bond.

(c) Secure signatures of the owner on a separate form approved by the Contractor's Licensing Board, which shall be printed in at least 12 point type and in the same language in which the contract was negotiated and which shall contain the provisions set out in subsections (a) and (b).

(d) Violation of this section shall be deemed an unfair or deceptive practice and shall be subject to provisions of Chapter 480, as well as the provisions of this chapter.

(e) The Contractor's Licensing Board is authorized and directed to develop the disclosure form pursuant to this section."

SECTION 5. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.\*

SECTION 6. This Act shall take effect upon its approval.

(Approved June 2, 1975.)

## ACT 184

S.B. NO. 1200

A Bill for an Act Relating to Residential Leaseholds.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. **Findings and purpose.** The legislature reaffirms its findings and declaration contained in section 1, Act 307, Session Laws of Hawaii 1967, and further finds as follows:

(a) The fee simple ownership of residential lands in the State is still concentrated in the hands of a small number of landowners. The state and federal governments and the largest 72 private landowners own approximately 95 per cent of all land area within the State. On Oahu alone, 22 major private landowners own 72.5 per cent of all land.

(b) The small number of landowners have continued to follow the policy of not selling their lands for residential use but of leasing their lands under long-term residential leases. While fee simple ownership still accounted for 68.9 per cent of all owner-occupied housing on Oahu in 1972, leasehold residential development has dominated the housing market since 1967 as it had during the period 1950 to 1967. Between 1950 and 1966, 40 per cent of all owner-occupied housing units developed on Oahu had been on leasehold. Between 1967 and 1972, 46 per cent of such development has been on leaseholds. In 1973, leaseholds constituted 32 per cent of all owner-occupied housing, more than double the percentage in 1960.

(c) The foregoing developments have compelled thousands of people in the State to resort to leaseholds to satisfy their housing needs, and this trend is likely to continue in view of the limited availability of land for residential purposes.

(d) Residential leaseholds have had and continue to have the following undesirable economic effects:

- (1) The scarcity of fee simple residential lands have pushed the price of fee simple residential units to high levels;
- (2) The high levels of fee simple residential unit prices have artificially raised the level of prices for leasehold units;
- (3) The high prices commanded for leasehold units have encouraged the development of leasehold residential units and discouraged the development of fee simple units;
- (4) The increases in the price for both fee simple and leasehold residential lands have caused lease rentals to increase on renegotiation of

\*Edited accordingly.

rentals (on the expiration of 25 or 30 years of initial fixed rent periods) ranging from 400 per cent to 1000 per cent, for renegotiated lease rentals are invariably tied to the fee simple value of the land on which the leasehold residences are situated, and these new lease rentals have at times exceeded the amount of the payments that the lessee had been making on the leasehold mortgages;

- (5) Rental renegotiations have strongly favored the lessor, the lessee having little option but to consent to such rental as determined by the lessor or to give up the leasehold and home, although the lease may yet have 25 or more years to run; and
- (6) The inequality of bargaining power has allowed lessors to charge lease rent based not only on the raw land value of the property but also on the value of the offsite and onsite improvements which have already been paid for or will be paid for by the lessee and on the value accruing thereon;
- (7) The high increases in lease rentals have caused leasehold values to drop after the initial fixed rent period (e.g., a house appraised at \$68,000 before renegotiation of lease rental was increased), causing lessees opting to dispose of their leasehold interests to suffer severe economic losses.

(e) Residential leaseholds have also undesirable social effects. Lease rent negotiations are usually scheduled every 10 to 15 years after the initial fixed rent period of 25 to 30 years. Thus, as the lessee advances in age and his income potential declines, his lease rentals increase, causing him to give up the lease and to look for other accommodations. Then, when the entire lease period expires, the lessee who has stayed on the leasehold for the full term of the lease is, by reason of age, income, and the lack of value remaining in the leasehold, left without means to purchase another home. These situations aggravated the already acute need for government-sponsored low and middle income and elderly housing. With the increasing number of elderly in this State, the problem promises to become even more acute in the foreseeable future, and will adversely affect the health and welfare of these people and the general welfare of the people of the State of Hawaii.

The legislature further finds and declares:

- (1) That the land in Hawaii is to be considered as a source of life, dignity, and economic freedom for the men and women who reside on it;
- (2) That it is the policy of the State that each person shall have the right of ownership of the land on which he makes his home;
- (3) That it is also the policy of the State that the lessee of a residential unit, so long as he remains a lessee, shall have the right to have rentals set at reasonable levels and to enjoy his leasehold estate under reasonable leasehold terms;
- (4) That the public health, safety, and welfare of the people of Hawaii demand that Act 307, Session Laws of Hawaii 1967, be fully implemented and that other applicable laws be enacted including legislation to prevent the imposition of confiscatory economic burdens upon the thousands of lessees presently living on leased property.

SECTION 2. Chapter 516, Hawaii Revised Statutes, is amended as follows:

1. Section 516-1 is amended to read:

**“Sec. 516-1 Definitions.** Unless otherwise clear from the context, as used in this chapter:

- (1) “Authority” means the Hawaii housing authority created by chapter 356.
- (2) “Development tract” means a single contiguous area of real property not less than five acres in size which has been developed and subdivided into residential lots. Two or more pieces of real property shall be considered as a single contiguous area if they would be contiguous except for the interposition or existence of a road, street, stream, fee lot, or other like interference.
- (3) “Fair market value” means that amount of money that a purchaser willing, but not obliged, to buy an interest in land would pay an owner willing, but not obliged, to sell it, taking into consideration all uses to which the land is adapted or might in reason be applied.
- (4) “Fee simple owner” and “fee owner” mean the person who owns the fee simple title to the land which is leased, including a life tenant with a remainder over, vested or contingent, and a holder of a defeasible estate, and his heirs, successors, legal representatives, and assigns.
- (5) “Lease” means a conveyance of land or an interest in land, by a fee simple owner as lessor, or by a lessee or sublessee as sublessor, to any person, in consideration of a return of rent or other recompense, for a term, measured from the initial date of the conveyance, (A) exceeding thirty-five years (including any periods for which the lease may be extended or renewed at the option of the lessee) as to existing leases and in force on June 24, 1967, or (B) exceeding twenty years (including any periods for which the lease may be extended or renewed at the option of the lessee) as to leases executed after June 24, 1967.
- (6) “Leased fee” and “leased fee interest” mean all of the interests of the fee owner, lessor, and all legal and equitable owners of the land which is leased, other than the lessee’s interest as defined by this chapter.
- (7) “Legal and equitable owners” means the fee simple owner and all persons having legal or equitable interests in the fee or in the lessor’s leasehold estate, including mortgagees, developers, lienors, and sublessors, and their respective heirs, successors, legal representatives, and assigns.
- (8) “Lessee” means any person to whom land is leased or subleased, and his heirs, successors, legal representatives, and assigns.
- (9) “Lessor” means any person who leases or subleases land to another, and his heirs, successors, legal representatives, and assigns.
- (10) The terms “lessor,” “lessee,” “fee simple owner,” “fee owner,” and “legal and equitable owners” include individuals, both masculine and feminine, and, except as to the term “lessee,” the terms also include

corporations, firms, associations, trusts, estates, and the State or its political subdivisions. When more than one person are the lessors, lessees, fee simple owners, fee owners, or legal and equitable owners of a lot, the terms apply to each of them, jointly and severally.

- (11) "Lot," "houselot," "residential lot," and "residential houselot" mean a parcel of land, two acres or less in size, which is used or occupied or is developed, devoted, intended, or permitted to be used or occupied as a principal place of residence for a single family.
- (12) "Offsite improvements" means all physical improvements such as, but not limited to roads, sewer lines, sewage treatment plants, gutters, curbs, sidewalks, fire hydrants, street lights, land dedicated for public purposes and underground electric cables, constructed or placed in a subdivision off the lots intended for occupancy, which improvements are to be used in common by occupants of all lots adjoining such improvements or by the occupants of all lots whose benefit the improvements have been constructed or placed.
- (13) "Onsite improvements" means all physical improvements placed on a residential lot intended for occupancy which improvements are for the benefit of occupants of that lot, including, but not limited to, dwelling units, garages, service buildings, stairs, walkways, driveways, walls, trees, shrubs, landscaping, and pools.
- (14) "Owner's basis" means the current fair market value of the lot excluding onsite improvements, valued as if the fee title were unencumbered, less the lessee's share, if any, of the current replacement cost of providing existing offsite improvements attributable to the lot, which replacement cost shall include an overhead and profit not exceeding twenty per cent of the current replacement cost of the existing offsite improvements, or the original lot development credit to the lessee, whichever is greater, plus the unpaid balance, if any, owing to the lessor by the lessee as reimbursement other than as a part of the lease rent for the actual offsite improvement costs paid by the lessor."

2. Section 516-2 is amended to read:

**"Sec. 516-2 Applicability.** This chapter applies to all lands leased as residential lots which are owned or held privately or owned by the State or its political subdivisions except Hawaiian home lands which are subject to Article XI of the Constitution of the State and lands owned or held by the federal government. This chapter is not meant to supersede or preclude any other remedy at law available to residential leasehold lessees or the State, including those available under chapter 480."

3. Section 516-4 is amended to read:

**"Sec. 516-4 Trusts and estates.** The rights granted to lessees by this chapter shall be effective, notwithstanding any condition or provision to the contrary in any instrument creating any life tenancy, defeasible fee, estate, or trust, regardless of whether such tenancy, fee, estate or trust was in effect prior to June 24, 1967 or is created hereafter; and the life tenant, holder, officer, or trustee of any such tenancy, defeasible fee, estate, or trust may convey resi-

dential leases for terms exceeding twenty years and shall perform any acts required of him by this chapter. Every such instrument now in existence or hereafter executed shall be construed in conformity with the intent and purpose of this chapter. No trustee, officer, or agent of a lessor or other legal or equitable owner shall, while acting pursuant to this chapter, be deemed to be acting in bad faith or to have committed a breach of trust."

4. Section 516-7 is amended to read:

**"Sec. 516-7 Authority's duties, generally.** In addition to any other duty prescribed by law and in this chapter, the Hawaii housing authority shall:

- (1) Within six months after June 24, 1967, adopt and promulgate, in accordance with chapter 91, all rules and regulations necessary to effectuate the purposes of this chapter;
- (2) Enforce this chapter and the rules and regulations adopted pursuant thereto;
- (3) Subject to chapters 76 and 77, appoint and remove such administrative, technical, and clerical staff as it may require and prescribe their powers and duties; except that the authority may appoint, without regard to chapters 76 and 77, one or more appraisers on a part-time, contractual basis for the purposes set forth in this chapter;
- (4) Establish such reasonable fees to be assessed and collected from lessees for the services of any appraiser;
- (5) Disseminate information and render assistance to lessees of residential lots in order that this chapter may be understood and effectively implemented;
- (6) Conduct an investigation upon any written complaint or whenever it appears to the authority that this chapter has been or is being violated. In such investigation, the authority may examine the books, accounts, records, and files of any person connected with the matter under investigation and conduct hearings. If the authority finds from satisfactory evidence that any person has violated or is violating this chapter, it may order such person to cease and desist from continuing the violation or engaging therein or doing any act or acts in furtherance thereof and, where necessary, it may bring an action in the name of the State in any court of competent jurisdiction for enforcement of its orders;
- (7) Acquire by eminent domain proceedings, all necessary property interests as provided in this chapter;
- (8) Make and execute contracts, mortgages, and other instruments necessary or convenient to the exercise of the powers of the authority;
- (9) From time to time, require from the lessors of leases of residential lots and from all fee owners and legal and equitable owners of lots subject to such leases, such information as it may reasonably require in connection with the administration of this chapter;
- (10) Do all things necessary and convenient to carry out the powers expressly conferred upon it by this chapter."

5. Section 516-21 is amended to read:

**"Sec. 516-21 Applicability.** This part applies to development tracts

which are, at the time of acquisition of leased fee interests in residential lots within such tracts by the Hawaii housing authority as herein:

- (1) Developed and subdivided into residential houselots occupied by lessees under leases executed before June 24, 1967;
- (2) Developed and subdivided or partially developed into residential houselots occupied or to be occupied by lessees under leases executed after June 24, 1967, provided that ten or more years remain before the final termination of the lease term, and provided further that ninety per cent of the leases to the lots have been executed."

6. Section 516-22 is amended to read:

**"Sec. 516-22 Designation of leased fee interest in all or part of development tract for acquisition.** The Hawaii housing authority may designate all or a portion of a development tract for acquisition and acquire leased fee interests in residential houselots in such development tract, through the exercise of the power of eminent domain or by purchase under the threat of eminent domain if, after due notice and public hearing, the time and place of which have been duly advertised in a newspaper of general circulation in the county in which the development tract is situated on at least three different days, the last publication being not less than five days before the date of hearing, the authority finds that the acquisition of the leased fee interest in residential houselots in all or part of the tract through exercise of the power of eminent domain or by purchase under threat of eminent domain and the disposition thereof, as provided in this part will effectuate the public purposes of this chapter and shall also find either:

- (1) That a shortage of fee simple residential property exists in the county and that the acquisition and disposition of the leased fee interests in residential houselots in all or part of the development tract by the authority as provided in this part will assist in alleviating this shortage pursuant to the purposes of this chapter, or
- (2) That twenty-five or more lessees or the lessees of more than fifty per cent of the residential lease lots within the development tract, whichever number is the lesser, have applied to the authority to purchase the leased fee interest in their residential leasehold lots pursuant to section 516-33.

The findings of the authority shall be conclusive in any suit, action, or proceeding."

7. Section 516-23 is amended to read:

**"Sec. 516-23 Exercise of power of eminent domain.** Within twelve months after the designation of all or part of the development tract for acquisition, the Hawaii housing authority shall acquire through voluntary action of the parties, or institute eminent domain proceedings to acquire the leased fee interest in the tract or portion so designated; provided that negotiations for acquisition by voluntary transaction shall not be required before the institution of eminent domain proceedings. Except as otherwise provided in this part, the authority shall exercise its power of eminent domain in the same manner as provided in chapter 101. If the development tract or applicable portion thereof, as the case may be, is not acquired or eminent domain pro-

ceedings are not instituted within the twelve-month period, the authority shall reimburse the fee owner, the lessor and the legal and equitable owners of the land so designated for actual out-of-pocket expenses of appraisal, survey, and attorney fees as the owner, lessor, and the legal and equitable owners may have incurred as a result of the designation.”

8. Section 516-24 is amended to read:

“**Sec. 516-24 Compensation.** The compensation to be paid for the leased fee interest in a residential houselot within a development tract shall be the owner’s basis as defined in section 516-1(14). The compensation shall be determined as of the date of the designation of the applicable portion of the development tract for acquisition.”

9. Section 516-25 is amended by amending subsection (a) to read:

“(a) Upon acquisition of the leased fee interest in residential houselots within all or a portion of a development tract as provided in this part, the property interest acquired by the Hawaii housing authority is all of the right, title, and interest of the fee owner, and of the lessor and all legal and equitable owners, if any, in and to the residential houselots acquired; subject to existing leases of residential houselots within the development tract, and to all covenants, conditions, easements, reservations, and restrictions of record running with the land or contained in the agreement of sale, deed, or other conveyance held by the fee owner, lessor, and legal and equitable owners or permitted or suffered by lessees of existing residential houselot leases, which are not inconsistent with the intent of this part. The acquisition terminates all the right, title, and interest of the fee owner, lessor, and all legal and equitable owners, whether the interest be a remainder, vested or contingent, a reversion, or other beneficial interest in the property, present or prospective.”

10. Section 516-26 is amended to read:

“**Sec. 516-26 Interest in compensation paid by the authority.** The fee owner, lessor, and all legal and equitable owners shall share in the compensation paid by the Hawaii housing authority as their respective interests appear. Notwithstanding any contrary provision in any contract or lease, a developer or other person entitled to share in the lease rentals shall share in such compensation paid by the authority to the extent of his interest as may be determined by agreement of those entitled to share in the compensation paid by the authority, or in the absence of such agreement, pursuant to chapter 658.”

11. Section 516-28 is amended to read:

“**Sec. 516-28 Disposition, generally.** It shall be the policy of the Hawaii housing authority to encourage the widespread fee simple ownership of residential lots situated within a development tract. Where necessary or desirable, the authority may lease the residential lots. Not more than one lot shall be sold in fee simple or leased to a purchaser or lessee. A husband and his wife together, unless separated and living apart under a decree of separation issued by a court of competent jurisdiction, shall be entitled to only one lot.

12. Section 516-30 is amended to read:

“**Sec. 516-30 Purchase of leased fee interest.** The lessee of a residential lot within a development tract, whether he was a lessee at the time of the acquisition or became a lessee after the acquisition of the development tract,



who has applied to the authority and has qualified for purchase of the leased fee interest shall purchase from the Hawaii housing authority by contract within sixty days of acquisition of the interest by the authority, the leased fee interest to the lot, subject to the terms, covenants, and conditions of the contract executed with the authority; provided that the lessee is not then in default in the performance of his obligations under the lease; and further provided that should any of said lessees fail or refuse to enter into such a contract, then in such event, each such lessee shall pay to the authority his pro-rata share of all costs incurred by the authority in the acquisition of the houselots within the development tract including but not limited to appraisal costs, costs of publication, and survey, and the authority is hereby authorized to take whatever action it deems necessary to collect such costs; and provided further that in case of a wilful breach of the purchase agreement the authority shall be entitled to any available remedy, including the sale of its interest in the houselot; and further provided that the sales price shall be at the lowest possible price consistent with section 516-32 and the purpose of this chapter."

13. Section 516-33 is amended to read:

"**Sec. 516-33 Qualification for purchase.** Except as otherwise provided under section 516-28, no sale of any residential houselot within a development tract shall be made to any person unless he meets the following requirements:

- (1) Is at least eighteen years of age;
- (2) Is a bona fide resident of the State and has a bona fide intent to reside in the development tract if successful in purchasing the lot;
- (3) Is a bona fide owner of a residential structure situated on the leased lot applied for;
- (4) Has a letter of credit, certificate of deposit, proof of funds, or approved application from any lending institution demonstrating that he will be able to promptly pay the authority for the leased fee interest in the lot;
- (5) Submits an application in good faith accompanied by a deposit to be established by the authority, not to exceed \$500, as earnest money to be applied to the purchase price;
- (6) Executes a contract for purchase of the fee interest in such form as is acceptable to the authority; and
- (7) Does not own in fee simple lands suitable for residential purposes within the county and in or reasonably near the place of business of such person or has or have pending before the Hawaii housing authority an unrefused application to lease or purchase a lot in a development tract. A person is deemed to own lands herein if he, his spouse, or both he and his spouse (unless separated and living apart under a decree of a court of competent jurisdiction) owns lands.

In the event of a wilful breach of contract of a lessee to purchase the leased fee interest, the authority may sell or assign its interest without respect to the requirements of this section.

The authority may require additional testimony or evidence under oath in connection with any application. The determination by the authority of any applicant's eligibility under this part shall be conclusive as to all persons there-

after dealing with the property; provided that the making of any false statement knowingly by applicants or other person in connection with any application shall constitute perjury and be punishable as such. The authority shall adopt rules and regulations pursuant to chapter 91 to effectuate the purposes of this section.”

14. Section 516-34 is amended to read:

**“Sec. 516-34 Mortgages, agreements of sale, other instruments.** (a) If an applicant who wishes to purchase the leased fee interest in his residential leasehold lot is unable to obtain sufficient funds at reasonable rates from private lenders, the Hawaii housing authority may, by way of mortgage, agreement of sale or other instruments to secure the indebtedness, loan to the purchaser up to ninety per cent of the purchase price; provided that such agreement of sale shall be for a term not to exceed three years; provided further that the authority, upon its discretion, may extend such agreement of sale for not more than two years if the lessee requests such extension. In case of any dispute of the extension of the agreement of sale, the lessee shall bear the burden of proof to show good cause for such extension.

(b) The purchaser of the leased fee interest shall pay not less than ten per cent of the price and execute with the authority an agreement of sale, or mortgage, or other instrument to secure the indebtedness under the terms of which the unpaid balance and interest thereon, at a reasonable rate determined by the authority, shall be paid in monthly installments over such periods as the authority may determine. Every mortgage, agreement of sale, other instruments to secure the indebtedness, or instrument of indebtedness shall be freely assignable by the authority and may contain such other provisions as are usually found in such instruments and shall provide that the purchaser may prepay the whole or any part of the unpaid balance of the purchase price plus accrued interest at any time without prepayment penalty.

(c) If the purchaser defaults on the payment of any loan, the authority shall take all necessary action to collect the delinquent principal and interest on the loan and may take all actions allowed to holders of obligations, including the power to repossess, purchase, lease, rent, repair, renovate, modernize, and sell the property foreclosed.”

15. Section 516-35 is amended to read:

**“Sec. 516-35 Restrictions on sale and use of residential lots.** (a) For a period of ten years after the purchase from the authority of the leased fee interest in a residential lot, the purchaser shall not transfer any interest in the property unless he has first notified the authority in writing of his intention to do so.

The notice shall specify the purchaser’s address and shall expressly offer the authority the right of first refusal, at a price which shall not exceed the amount of the original cost to the purchaser together with the cost of any improvements added by the purchaser together with simple interest on all of the purchaser’s equity in the property at the rate of seven per cent a year; provided that title to a dwelling unit and the property or lease may pass to a family member by devise or through the laws of descent, who would otherwise qualify under the rules and regulations established by the authority.

(b) Within thirty days after the receipt of the notice the authority shall in writing notify the purchaser at the address so specified whether it elects to exercise its option. If the authority refuses, or fails within the thirty-day period to reply to the offer, the lessee or purchaser may transfer any interest in the property to any person, free from any price restrictions.

(c) The authority may lease, rent, or resell any lot and improvements purchased by it under this part.

(d) Any original lease, deed, agreement of sale, mortgage, and other instruments of conveyance issued by the authority under this part shall expressly contain the restriction on sale and use of the residential lot as prescribed in this section."

16. Sections 516-36 through 516-39 are repealed.

17. Section 516-45 is amended to read:

**"Sec. 516-45 General obligation bonds.** The director of finance may, from time to time, issue general obligation bonds in such amounts as may be authorized by the legislature, for the purpose of acquisition by the Hawaii housing authority of residential houselots within development tracts pursuant to chapter 516, part II or for the acquisition of suitable properties to exchange pursuant to section 516- or for the acquisition by the department of land and natural resources under section 171- of suitable properties for exchange pursuant to section 171- to effectuate the purpose of this chapter. The principal and interest of general obligation bonds issued pursuant to this section shall be reimbursed to the general fund from the fee simple residential revolving fund as provided in section 516-44. Pending the receipt of funds from the issuance and sale of general obligation bonds, amounts required within the limits of legislative authorization may be advanced to the Hawaii housing authority from the general fund of the State. Upon the receipt of the bond funds, the general fund shall be reimbursed the amount advanced."

18. Section 516-66 is amended to read:

**"Sec. 516-66 Lease rental.** In every case of an extension under section 516-65 the annual lease rental during the first thirty years shall not exceed an amount determined as follows:

- (1) Compute to nearest whole year, one hundred per cent of the unexpired period of fixed rent at the commencement of the extended term;
- (2) Multiply the number of years computed in (1) by the fixed annual rent in effect immediately prior to the extension;
- (3) Deduct from thirty years the number of years computed in (1) and multiply that difference by the annual rent determined by mutual agreement of lessor and lessee within thirty days after such extension or by arbitration in accord with chapter 658; and
- (4) Add the amounts computed in (2) and (3) and divide that sum by thirty. This sum rounded to the nearest dollar shall be the annual rent for the first thirty years of the extended term; provided that such rent shall not without the consent of the lessor be less than the annual rent in effect immediately prior to such extension.

The annual rent payable hereunder for and during the remaining period of the extended term shall be determined by mutual agreement of the lessor

and the lessee, or if they fail to read such agreement at least ninety days before the commencement of the period, by arbitration in accordance with chapter 658.”

19. Section 516-70 is amended to read:

“**Sec. 516-70 Reversion of improvements.** (a) This section applies to all leases of residential lands as defined by section 516-1(5).

(b) At the termination of any lease, or at the expiration of the lease term, the lessee may, if not then in default under the terms of his lease, remove all onsite improvements on the lot which were constructed at the cost of, or otherwise paid for by the lessee, without compensating the lessor therefor. If the lessee notifies the lessor in writing within sixty days before the termination or expiration that he declines to remove such onsite improvements and if the lessee is not then in default under the terms of his lease, and if the lessor refuses to extend the term of the existing lease or to issue a new lease for a term of at least thirty years at a rental that is mutually agreeable to the parties or failing such agreement that is determined by arbitration pursuant to chapter 658, the lessor shall be required to compensate the lessee for the current fair market value of all such onsite improvements. Such improvements shall be appraised at the expense of the lessee. The appraiser selected shall be by mutual agreement of the lessee and the lessor or in conformance to chapter 658. The compensation shall be determined by mutual agreement or in conformity with chapter 658, and the compensation shall be paid within thirty days of determination. Such expense of arbitration shall be equally shared by both parties.”

20. Section 516-81 is repealed.

21. Chapter 516 is amended by adding the following new sections, to be appropriately designated and to read:

“**Sec. 516- Exchanges.** (a) The authority may exchange public lands for private lands to be condemned or involuntarily sold pursuant to this chapter; provided that any such exchange shall be subject to legislative disapproval; provided further that lands exchanged need not be of like-kind or comparable use; and provided further that no lands classified as conservation shall be exchanged for private lands.

(b) The authority may acquire private lands by negotiated sale for purposes of exchanging such land with private lands pursuant to subsection (a). The legislature declares that such acquisition is for the public purpose of encouraging home ownership on as widespread a basis as possible.

**Sec. 516- Severability.** If any part, section, sentence, clause, or phrase of this chapter, or its application to any person or transaction or other circumstances, is for any reason held to be unconstitutional or invalid, the remaining parts, sections, sentences, clauses, and phrases of this chapter, or the application of this chapter to other persons or transactions or circumstances, shall not be affected. The legislature hereby declares that it would have passed this chapter and each part, section, clause, or phrase thereof, irrespective of the fact that any one or more parts, sections, sentences, clauses, or phrases of this chapter, or its application to any person or transaction or other circumstance, be declared unconstitutional or invalid.”

SECTION 3. Chapter 171, Hawaii Revised Statutes, is amended by adding the following two new sections, to be appropriately designated and to read:

“**Sec. 171- Acquisition of lands for exchange under chapter 516.** The board may acquire private lands by negotiated purchase to be exchanged to effect the conversion of leasehold lands to fee simple ownership under section 171-. The legislature declares that such acquisition is for the public purpose of encouraging home ownership on as widespread a basis as possible.

**Sec. 171- Exchanges for conversion of leasehold lands to fee simple ownership.** The board may exchange public lands for private lands to be condemned or involuntarily sold pursuant to chapter 516. Such exchange shall be requested by the executive director of the Hawaii housing authority, and shall be effected in conformity in section 171-50; provided that such exchange shall be subject to legislative disapproval; provided further that the private lands conveyed to the State shall be disposed of pursuant to chapter 516; and provided further that lands exchanged need not be of like-kind or comparable use; provided further that no lands classified as conservation shall be exchanged for private lands.”

SECTION 4. Section 2 of Act 215, Session Laws of Hawaii 1971, is amended to read as follows:

“SECTION 2. The director of finance is authorized to issue general obligation bonds of the State in the amount of \$5,000,000, for the purpose of acquisition by the Hawaii housing authority of development tracts, or exchange of lands therefor, pursuant to chapter 516, part II, Hawaii Revised Statutes. Pending the receipt of funds from the issuance and sale of general obligation bonds, amounts required within the limits of authorization may be advanced to the Hawaii housing authority from the general fund of the State. Upon the receipt of the bond funds, the general fund shall be reimbursed the amount advanced.”

SECTION 5. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 6. This Act shall take effect upon its approval.

(Approved June 2, 1975.)

ACT 185

H.B. NO. 55

A Bill for an Act Relating to the Hawaii Lease Rent Renegotiation Relief Act.  
*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. **Findings and purposes.** The legislature reaffirms its findings and declaration contained in section 1, Act 307, Session Laws of Hawaii 1967, and further finds as follows:

\*Edited accordingly.

The home is the basic source of shelter and security in society, the center of our society which provides the basis for the development of our future citizens. Deprivation through exorbitant and unreasonable prices of this basic need results in frustrations and unrest in our community that is harmful to the overall fiber of our society.

Although Act 307 was enacted in 1967 the fee simple ownership of residential lands in the State is still concentrated in the hands of a small number of landowners. The state and federal governments and the largest 72 private landowners own approximately 95 percent of all land area within the State. On Oahu alone, 22 major private landowners own 72.5 percent of all land.

Along with this concentrated ownership of land there exists in the State of Hawaii a critical shortage of housing units for all income levels. There will be a need for over 250,000 low and middle income units by 1985 and a need will exist for all types of units. Since 1961 the economy has been producing an average of less than 10,000 low and middle income units annually. The economy has similarly lagged in the production of all other units, except the very high priced.

The small number of private landowners have continued to follow the policy of not selling their lands for residential use but of leasing their lands under long term residential leases. While fee simple ownership still accounted for 68.9 percent of all owner-occupied housing on Oahu in 1972, leasehold residential development has dominated the housing market since 1967 as it had during the period 1950 to 1967. Between 1950 and 1966, 40 percent of all owner-occupied housing units developed on Oahu had been leasehold. Between 1967-1972, 46 percent of such development has been on leaseholds.

The foregoing developments have compelled thousands of people in the State to resort to leasehold residences to satisfy their housing needs, and this trend is likely to continue in view of the limited availability of land for residential purposes.

The predictions of Act 307 as to effects of the residential leasehold system have proven to be conservative. Today, there are over 26,000 outstanding residential leases, an increase of more than 10,000, since Act 307 was enacted. As stated in Act 307, the concentration of land ownership "is in the rapidly developing urban areas of the State, where the need for single family residential lots is critical".

Initially, lease rents were low or were within the range which the public could afford. However, in the renegotiation of rents that have occurred in recent years, tremendous increases in lease rents have been imposed upon countless lessees by lessors. The compensation provided to be paid to lessors under Act 307 was directly related to the present value of the lease income stream generated under the lease to be condemned. Since June 24, 1967 lessors have generally adopted a practice of increasing lease rentals on renegotiations of existing leases in a manner unrelated to the raw land value, thereby greatly increasing the cost to the lessee when exercising his rights under Act 307 and resulting further in unconscionably increasing lease rents.

Renegotiation has brought about staggering increases in annual lease rentals. These increases have been the direct result of inflated land values

which in turn have come about because of the supply of urban land for residential housing under the concentrated ownership described in the findings contained in Act 307. The effect of these increases has been to substantially increase the cost of leasing housing for the people of Hawaii. The increases in lease rentals and premiums required prior to leasing of residential property has accentuated the problem stated in section 1(g) of Act 307 to the effect that the continuation of the residential leasehold system causes an artificial inflation in the price of fee simple residential property, as well as leasehold residential property.

Further, because of the unequal bargaining power between large landowners and individual lessees there have been breakdowns in the normal processes of bargaining and freedom of contract, resulting in unjust, unreasonable and oppressive lease rents being exacted by lessors. Thus the limited supply of housing units and concentrated ownership of such units have led to the exaction of exorbitant lease rents on renegotiation. In many instances, the lessor's terms are peremptorily submitted to the lessee in ultimatum form through letters rather than through any actual bargaining process.

This unequal bargaining relationship exists today despite the rights granted lessees under Part III of Act 307 which was passed some seven years ago. Accordingly the adverse and harmful effects sought to be alleviated by that Act have not been stemmed, but to the contrary have become more critical.

In addition the inequality of bargaining power due to the oligopolistic imbalance in land ownership has allowed the lessor to charge lease rents based not only on the raw land value of the property but also on improvements which have already been paid for by the lessee and on the value accruing thereon; thus the lessee is, in effect, paying the lessor for an investment made by the lessee. This is an unjust enrichment created by an oligopolistic market lacking competitive bargaining and is contrary to the public welfare.

Inasmuch as the free market cannot correct this situation because of the lack of competition, inherent in an oligopolistic market, it is necessary for the public good and welfare that the imbalance be redressed.

Residential leaseholds have had and continue to have undesirable economic effects. The high prices commanded for leasehold units have encouraged the development of leasehold residential units and have discouraged the development of fee simple units. The increases in the price for both fee simple and leasehold residential lands have caused lease rentals to increase on renegotiation of rentals (on the expiration of 25 or 30 years of initial fixed rent periods) as much as 1000 percent; renegotiated lease rentals are invariably tied to the fee simple value of the land on which the leasehold residences are situated. These new lease rentals have at times exceeded the amount of the payments that the lessee had been making on the leasehold mortgages. Rental renegotiations have strongly favored the lessor, with the lessee having little option but to consent to such rental as determined by the lessor or to give up the leasehold, although the lease may yet have 25 or more years to run. The high increases in lease rentals have caused leasehold values to drop after the initial fixed rent period (e.g., a house appraised at \$68,000 before renegotiation

of lease rent has been appraised at \$59,000 after the lease rental was increased), causing lessees opting to dispose of their leasehold interests to suffer severe economic losses.

Residential leaseholds have had undesirable social effects. Lease rent negotiations are usually scheduled every 10 to 15 years after the initial fixed rent period of 25 to 30 years. Thus, as the lessee advances in age and his income potential declines, his lease rentals increase, causing him to give up the lease and to look for other accommodations. Then, when the entire lease period expires, the lessee who has stayed on the leasehold for the full term of the lease is, by reason of age, income, and the lack of value remaining in the leasehold, left without means to purchase other housing. These situations have grave effects on the health, welfare and well-being of elderly persons and aggravate the already acute need for government-sponsored, low and middle income and elderly housing. With the increasing number of elderly in this State, the problem promises to become even more acute in the foreseeable future.

The legislature declares that it is the policy of the State that the lessee of a residential unit, so long as he remains a lessee, shall have the right to have rentals set at reasonable levels and to enjoy his leasehold estate under reasonable leasehold terms; that the public health, safety and welfare of the people of Hawaii demand that legislation be enacted to prevent the imposition of confiscatory economic burdens upon the lessees of residential property; that pursuant to and based upon the findings stated above, the public health, safety, and welfare is severely and substantially affected and threatened, resulting in immediate, continuous, and irreparable harm and that all the conditions and circumstances set forth herein constitute a social emergency which it is the purpose of this act to prevent and remedy.

SECTION 2. Chapter 519, Hawaii Revised Statutes, is amended as follows:

1. Chapter 519 is amended by amending its title to read:

**“REAL PROPERTY LEASES”**

2. Chapter 519, is amended by adding a new section to be appropriately designated and to read:

**“Sec. 519- Residential leases of real property.** (a) All leases for residential land, as defined by section 516-1, existing on the effective date of this Act or entered into thereafter, which provide for reopening of the contract for renegotiation of lease rent terms shall in the case of leases after the effective date of this Act provide the following, or in the case of leases existing on the effective date, shall be construed in conformity with the following:

- (1) Such renegotiations shall not be scheduled more frequently than once every fifteen years, provided the first of such reopenings shall not be scheduled prior to the fifteenth year following the initial date of the lease; and
- (2) Upon renegotiation, the lease rent payable shall not exceed the amount derived by multiplying the “owner’s basis” by four percent.



For purposes of this section, "owner's basis" means the current fair market value of the lot, excluding onsite improvements, valued as if the fee title were unencumbered; less the lessee's share, if any, of the current replacement cost of providing existing offsite improvements attributable to the land, which replacement cost shall include an overhead and profit not exceeding twenty per cent of the current replacement cost of the existing offsite improvements, or less the original lot development credit to the lessee, whichever is greater. For purposes of this section, "offsite improvements" means all physical improvements such as, but not limited to, roads, sewer lines, sewage treatment plants, and underground utility cables, constructed or placed in a subdivision or development off the land intended for occupancy, which improvements are to be used in common by occupants of all lands adjoining such improvements or by occupants of all lands for whose benefit the improvements have been constructed or placed; and "onsite improvements" means all physical improvements placed on a residential lot intended for occupancy which improvements are for the benefit of occupants of that lot, including, but not limited to, dwelling units, garages, service buildings, stairs, walkways, driveways, walls, trees, shrubs, landscaping, and pools.

(b) In the event the parties to a lease are unable to achieve an agreement under any reopening provision, the Hawaii housing authority or its designee shall arbitrate, and its findings shall be binding and conclusive on both parties.

(c) Any covenant or provision of a lease in violation of this section, shall not be enforceable in any court in this State.

(d) For the purpose of this section renegotiation shall not include negotiation for the determination of lease rental under section 516-66 arising out of an extension under section 516-65.

SECTION 3. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 4. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 5. This Act shall take effect upon its approval.

(Approved June 2, 1975.)

ACT 186

S.B. NO. 1543

A Bill for an Act Relating to Residential Leaseholds and the Acquisition by the State Through Condemnation of Lands in Fee Simple and the Disposition Thereof.

\*Edited accordingly.

*Be It Enacted by the Legislature of the State of Hawaii:*

**SECTION 1. Findings and purpose.** Act 307, Session Laws of Hawaii 1967, now Chapter 516, Hawaii Revised Statutes, was intended to lessen the adverse consequences of the excessive concentration of the fee title to lands in Hawaii in the hands of a few owners by allowing residential leaseholders to acquire the fee simple title absolute or otherwise, to real property they were leasing.

The legislature finds that although the Act has been in full effect for nearly six years it has not been implemented. Many reasons have been cited for the failure to put the Act into effect including possible legal or constitutional difficulties inherent in the original Act.

The purpose of this Act is to reaffirm and reiterate the findings and declarations of necessity originally set forth in Act 307 and to amplify and clarify those findings and declarations of necessity.

**SECTION 2.** Chapter 516, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read:

**"Sec. 516- Legislative findings and declaration of necessity; purpose.**

(a) The legislature finds that:

- (1) There is a concentration of land ownership in the State in the hands of a few landowners who have refused to sell the fee simple titles to their lands and who have instead engaged in the practice of leasing their lands under long-term leases;
- (2) The refusal of such landowners to sell the fee simple titles to their lands and the proliferation of such practice of leasing rather than selling land has resulted in a serious shortage of fee simple residential land and in an artificial inflation of residential land values in the State;
- (3) Due to such shortage of fee simple residential land and such artificial inflation of residential land values, the people of the State have been deprived of a choice to own or take a lease of the land on which their homes are situated and have been required instead to accept long-term leases of such land which contain terms and conditions that are financially disadvantageous, that restrict their freedom to fully enjoy such land and that are weighted heavily in favor of the few landowners of such land;
- (4) The economy of the State and the public interest, health, welfare, security, and happiness of the people of the State are adversely affected by such shortage of fee simple residential land and artificial inflation of residential land values and by such deprivation of the people of the State of the choice to own or take a lease of the land on which their homes are situated and the required acceptance of such long-term leases of such lands;
- (5) The acquisition of residential land in fee simple, absolute or otherwise, at fair and reasonable prices by people who are lessees under long-term leases of such land and on which such land their homes are situated and the ability of such people to fully enjoy such land through

ownership of such land in fee simple will alleviate these conditions and will promote the economy of the State and public interest, health, welfare, security, and happiness of the people of the State;

- (6) The cost of living in Hawaii is and has been high. In recent years inflation has drastically increased the cost of living in the State. The spiraling cost of living affects all people through erosion of the purchasing power of whatever monetary resources they command. For a growing proportion of Hawaii's population, quite possibly a majority, the high cost of living is denying them such basic necessities as sufficient nutritional intake, safe and healthy housing accommodations, clothing, and adequate preventive and curative health services. A substantive and significant contributing factor to the high and rising cost of living is the high cost of land whether leasehold or fee. Stabilizing the costs of land or, at least, slowing the artificial inflation of land values would curb the rising cost of living in Hawaii and, ultimately, contribute to the welfare of all people of the State by improving their standard of living.
- (7) The Constitution of the State of Hawaii provides the State the power to provide assistance for persons unable to maintain a standard of living compatible with decency and health. The rising cost of land tied to other cost of living increases is swelling the ranks of those persons unable to maintain a decent and healthful standard of life. If the inflationary trend of land continues unchecked, the resultant inflationary total cost of living could create such a large population of persons deprived of decent and healthful standards of life that the consequent disruptions in lawful social behavior could irreparably rend the social fabric which now protectively covers the life and safety of all Hawaii's people. The threat posed by this possibility is sufficiently real and imminent to warrant State action to redistribute land as a means of curbing continuing inflationary rises in land values.
- (8) The right to own land is not an irrevocable grant of a special privilege where it operates against the general welfare of the many for the particular benefit of the few.
- (9) Land, in common with other natural resources, is of finite quantity; a fact particularly obvious in Hawaii. In recent decades there has been growing general agreement that the wise conservation, preservation, use and management of exhaustible natural resources such as land are matters mandating an active governmental role. There is an intimate relationship between the monetary values accorded land in Hawaii and the stability and strength of the State's economy as a whole. Land values, artificially inflated by the high concentration of ownership, skew the State economy toward unnecessarily high levels. The pervasive and substantial contribution made to inflation by high land values creates a potential for economic instability and disruption. Economic inflation, instability and disruptions have real and potential damaging consequences for all members of an affected society. Checking inflation, improving the stability of the economy, and fore-

stalling disadvantageous economic disruptions all are productive of general benefit to all members of the Hawaiian society. The sound and wise conservation, preservation, use and management of land cannot be separated from the subject of patterns of land ownership. To accomplish the public purposes of wisely conserving, preserving, using, and managing the land in the State requires changing present patterns of land ownership. Public laws, expenditures, programs, and policies which contribute to the realization of these public purposes serve a public use since they ultimately benefit the entire community. Changing present patterns of land ownership by allowing lessees under long-term leases of residential land to purchase in fee simple, absolute or otherwise, the land on which their homes are situated, through governmental intervention including exercise of the power of eminent domain to acquire fee simple title to such land and public financing of such purchase and such condemnation and payment through the issuance of bonds, the expenditure of general revenue funds, and the use of private funds which are at the disposal of the State, will help satisfy the pressing public necessity for a secure, strong and stable economy.

- (10) The State's acquisition of residential lands held in fee simple, through the exercise of the power of eminent domain, for the purposes of this Act is for the public use and purpose of protecting the public safety, health and welfare of all people in Hawaii.
- (11) Inflation lessens the quality of life of all members of this afflicted society and is particularly invidious in its impact on the 90 plus per cent of the population who are in the poverty, and low through middle income groups. The State has limited abilities to curb inflation and, perhaps, the only useful means available is the State's power to control land values. There is a pressing public necessity for the State to do whatever it can to curb inflation and to keep the cost of living at a level where it is possible and manageable to provide all citizens a decent and healthful standard of life. The public use and purpose of providing all citizens a decent and healthful standard of life will be directly and substantially furthered by the State's acquisition of residential lands held in fee simple, through the exercise of the power of eminent domain, for the purposes of this Act.
- (12) The use of the power of eminent domain to condemn the fee simple title to residential land and the payment of just compensation therefor for the purpose of making the fee simple title thereto and the use thereof available for acquisition by people who are lessees under long-term leases of such land and on which such land their homes are situated is for a public use and purpose;
- (13) Legislation providing to people who are lessees under long-term leases of residential land on which their homes are situated the ability to fully enjoy such land through ownership of such land in fee simple, absolute or otherwise, is for a public purpose.
  - (b) It is therefore declared to be necessary and it is the purpose of this

chapter to alleviate the conditions found in subsection (a) of this section by providing for the right of any person who is a lessee under a long-term lease of residential land in the State to purchase at a fair and reasonable price the fee simple title to such land, by providing for the condemnation of the fee simple title to such land and the payment of just compensation therefor by the State through the use of the power of eminent domain and by providing for the public financing of such purchase and such condemnation and payment through the issuance of bonds, the expenditure of general revenue funds, and the use of private funds which are at the disposal of the State."

SECTION 3. New statutory material is underscored. In printing this Act, the revisor of statutes need not include the underscoring.\*

SECTION 4. This Act shall take effect upon its approval.

(Approved June 2, 1975.)

## ACT 187

S.B. NO. 950

A Bill for an Act Relating to Bicycles.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 249-1, Hawaii Revised Statutes, is amended by amending the definitions relating to "vehicle" and "motor vehicle" as follows:

"Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway except devices moved by human power or used exclusively upon stationary rails or tracks, but excluding bicycle as defined in section 291C-1.

"Motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, but excluding bicycle as defined in section 291C-1."

SECTION 2. Section 249-14(a), Hawaii Revised Statutes, is amended to read as follows:

**"Sec. 249-14 Bicycle tax.** (a) All bicycles used for the conveyance of persons shall be subject to an annual tax of \$3 each to be paid by the owners thereof to the county director of finance. This tax shall become due and payable on January 1 and shall be delinquent on March 1 of each year; provided that any bicycle initially acquired after November 30 of a calendar year, previously not registered, shall be exempt from taxation until January 1 of the next calendar year, provided that the tax for the next calendar year shall be paid before January 1. Upon receipt of the tax, the director of finance shall number and register each bicycle, for which the tax is paid, in the owner's name and furnish the owner with a metallic tag or decal for each bicycle with number and year marked thereon, charging therefor the sum of 10 cents, which tag or decal shall be attached to the bicycle. The decal shall be affixed to

\*Edited accordingly.

the upright post attached to the sprocket facing in the forward direction. Upon initial registration by an owner or transferee, the director of finance shall require proof of ownership and require the owner to furnish verification of the serial number and description contained in the proof of ownership and require the owner to furnish verification of the serial number and description contained in the proof of ownership and application for registration. The metallic tags or decals shall be in such form as the director of finance of the county shall from time to time prescribe. It shall be the duty of the council of each county to purchase a sufficient number of such tags or decals. The term "bicycle" shall have the meaning defined in section 291-1."

SECTION 3. Section 286-2, Hawaii Revised Statutes, is amended as follows:

a. By adding thereto a new definition concerning bicycle to read as follows:

"Bicycle" means every device propelled by human power or motor power of one and one-half horsepower or less upon which any person may ride, having two tandem wheels sixteen inches in diameter or greater, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels."

b. By amending the definitions concerning "motorcycle," "motor scooter," "motor vehicle" and "vehicle" as follows:

"Motorcycle" means every motor vehicle having a seat or saddle for use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding farm tractor and bicycle.

"Motor scooter" means every motorcycle, including every motor-driven cycle, with a motor which produces not more than five horsepower, but excluding bicycle.

"Motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails, but excluding bicycle.

"Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks, but excluding bicycle."

SECTION 4. Sections 291C-1(4) and (16), Hawaii Revised Statutes, are amended to read as follows:

- (4) "Bicycle" means every device propelled by human power or motor power of one and one-half horsepower or less upon which any person may ride, having two tandem wheels, sixteen inches in diameter or greater and including any device generally recognized as a bicycle though equipped with two front or two rear wheels.
- (16) "Motor-driven cycle" means every motorcycle, including every motor scooter, with a motor which produces not to exceed five brake horsepower, and every bicycle with motor attached, but excluding such bicycle with motor of one and one-half horsepower or less.

SECTION 5. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes may exclude the brackets, the bracketed material or the underscoring.\*

SECTION 6. This Act shall take effect upon its approval.  
(Approved June 2, 1975.)

## ACT 188

S.B. NO. 1624

A Bill for an Act Relating to the Application of the Hawaii Penal Code to Persons Sentenced Prior to its Effective Date.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. **Purpose.** The legislature finds that some persons convicted of the same crimes are under different sentences and serving different terms of imprisonment.

The purpose of this Act is to conform the sentences of certain felons convicted prior to the effective date of the Hawaii Penal Code to the provisions within the code. The intent is to grant equal application of justice demanded by adherence to the highest standards of jurisprudence.

SECTION 2. **General applicability.**

- (1) All convicted felons who have not been discharged from institutional custody by the State and who did not receive the maximum term of sentence upon conviction under the provisions of the Hawaii Penal Code of 1972,<sup>†</sup> and make initial determination as to whether further deliberation of each such public offender's case should be pursued as (a) one for ordinary term under Section 660 of the Hawaii Penal Code or (b) one for extended term under Section 661 or of sentence for offenses of murder under Section 606 of the Hawaii Penal Code.
- (2) The Court in each case shall review those maximum terms of sentence which were not given under the provisions of the Penal Code of 1972.
- (3) The Court may by order reset the maximum term of sentence in accordance with provisions of the Hawaii Penal Code of 1972 to comply with the category or class of crime as determined by the Court. The Court shall not be obligated to order the resetting of the maximum term of sentence in any individual case. The Court may do so in any such case at its own discretion or upon demonstration of cause by the convicted offender under consideration.
- (4) For the public offenders, whose parole, discharge, or other form of release has been granted by the proper authority, such sentences do not fall under the provisions of this Act.

\*Edited accordingly.

<sup>†</sup>So in original, but it appears that some words are missing from this section at the place indicated by the dagger.

- (5) No later than 90 days after the effective date of the Act, the director of the department of social services and housing shall submit to each Court the respective list of those public offenders eligible under this Act.
- (6) Should the Court's order resetting the maximum term of sentence cause the public offender to have served the maximum term, or more, the convicted felon shall be discharged from custody, effective the date of the order.
- (7) The Court shall follow in all cases those policies of the Hawaii Penal Code for sentencing generally where an order to reset the maximum term of sentence is to be given under the provisions of this Act.
- (8) In no case shall the maximum term of sentence be increased under the provisions of this Act.
- (9) Notwithstanding Section 668 of the Hawaii Penal Code, the Court shall, in the case of public offenders presently serving consecutive terms, have discretion as to whether concurrent or consecutive terms are to be applied.

**SECTION 3. Ordinary terms.**

Where the Court has determined that ordinary term under Section 660 of the Hawaii Penal Code is applicable, there shall be no automatic right to appear before the Court of jurisdiction for each public offender qualified under this Act, nor shall the Court be required to hold formal hearings before the order resetting maximum sentence. The Court, at its discretion or upon written demonstration of cause by the public offender, may do either or both in its deliberation. In each case, the Court shall inform the convicted felon in writing as to its order within 10 working days of determination, and all such orders shall become a matter of record for the Court.

**SECTION 4. Extended terms and special cases.**

- (1) Where the Court has determined that extended term under Section 661 or of sentence for offense or murder under Section 606 of the Hawaii Penal Code is applicable, a formal hearing before the original Court with jurisdiction shall be required.
- (2) Such hearings shall be conducted under the Extended Sentencing or Special Sentencing provisions of the Hawaii Penal Code, whichever shall apply. The same jurisdiction for ordering sentencing under these provisions shall apply to the resetting of the maximum term of sentence for "Special Cases" under the provisions of this Act.

**SECTION 5. Good time credits.**

In those cases where the public offender received the original maximum and minimum term of sentence prior to the effective date of Act 264, Session Laws of Hawaii 1967, and has been continuously incarcerated under the authority of the State of Hawaii without obtaining parole, discharge or other form of release from custody, no part of this Act shall be interpreted as removing any "good time" credit from either the maximum or minimum term of sentence.



**SECTION 6. Validity of conviction.**

This Act is for special persons under special conditions, and no part of this Act shall be interpreted as to effect the procedural validity of any conviction for any such person.

**SECTION 7. Effective date.**

This Act shall take effect upon its approval.

(Approved June 2, 1975.)

**ACT 189**

H.B. NO. 677

A Bill for an Act Relating to a State Planning Policy.

*Be It Enacted by the Legislature of the State of Hawaii:*

**SECTION 1. Findings and purposes.** The State of Hawaii has been pointed to as a national leader in commitment to land use planning. The legislature finds that elements of a comprehensive planning program exist and must be maintained, but that substantial further steps are necessary to develop a comprehensive planning program which would most effectively implement the State's policy goals.

The legislature finds that comprehensive planning is the key to the enactment of a general plan or plans. To plan adequately the State must first know where it wants to go. This should be embodied in policies which all plans and decisions must conform to and implement. The process should be an ongoing one with periodic review, and should involve close county-state cooperation.

The legislature finds that all too often programs shape planning, instead of policy determining planning and programs conforming to those policies and plans. The dependence on the private automobile to move people and goods is at least partly the result of generous spending for highways and land use decisions encouraging sprawl, in spite of our stated goal of preserving agricultural lands from urban development. Thus, the decisions of one specialist agency in building highways have not been related either to a state goal or to the decisions of other agencies such as the one fostering agriculture. Such failures of several state agencies, or of state and county agencies, to work effectively together toward common goals demonstrate the need for overall state policies to govern planning and programs.

The purpose of this Act is to create a structure for policy plan formulation and program plan coordination which will order the action of all state and county agencies under the general policies and directions prescribed by the legislature through a state plan.

**SECTION 2.** The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

## “CHAPTER POLICY PLANNING

### PART I. POLICY AND PLANNING COORDINATION

**Sec. -1 Definitions.** As used in this chapter:

- (1) ‘Director’ means the director of the department of planning and economic development.
- (2) ‘County general plan’ means the comprehensive long-range plan or development plan, if any, which has been adopted by ordinance or resolution by a county council.
- (3) ‘Policy council’ means the council established in section -3.
- (4) ‘State agency’ means any department, office, board, or commission of the State.
- (5) ‘State plan’ means a long-range, comprehensive plan and policies developed pursuant to section -21(a) which shall serve as a guide for the future long-range development of the State and contains interrelated statements of the general, social, economic, environmental, physical and design objectives to be achieved for the general welfare and prosperity of the people of the State. Such plan shall include, but not be limited to a statewide land use guidance policy.

**Sec. -2. Powers and duties of the director.** (a) The director shall be responsible for the development and coordination of a state plan and shall have such powers delegated by the governor as are necessary to coordinate all state and county governmental agencies in matters concerning the comprehensive state plan.

- (b) To further the objective of subsection (a), the director shall:
  - (1) Formulate the state plan in consultation with the policy council.
  - (2) Relate comprehensive policy planning to policy statements of the counties as reflected in the county general plans or other documents containing such policy statements.
  - (3) Review and make periodic reports to the policy council on the actions of state and county agencies relative to the state plan.
  - (4) Identify areas of conflict between state agencies and between the State and the several counties, and aid the policy council in reconciling such conflicts as they relate to state planning and program implementation.
  - (5) Analyze existing state policies, planning and program operations, laws, rules and practices relative to formulation, implementation, and coordination of the state plan.
  - (6) Provide advisory opinions and reports on the compatibility of proposed actions with the state plan at the discretion of the director.
  - (7) Review state capital improvement projects for conformity with the objectives of the state plan, and report his findings and recommendations to the governor prior to allocation of funds.
  - (8) Evaluate and review in consultation with the policy council the state plan and recommend revisions and amendments.

- (9) Monitor, evaluate, and report on the implementation of the state plan.
- (10) Advise the legislature and county councils as to major policy affecting all areas of state and county development;
- (11) Submit an annual report to the legislature and the county councils as to the progress in attaining the goals and objectives of the policies in the state plan;
- (12) Report to the governor and general public on the problems of state planning, and mobilize the resources of the general community and members of concerned professional and environmental groups to address such problems.
- (13) Contract among public and private agencies and persons for special research and planning assistance.
- (14) Cooperate with all public agencies to ensure an ongoing, uniform and valid base of data and projections.

**Sec. -3 Policy council.** There is established a policy council. The governor shall appoint one of its members as its chairman. Members of the council shall all serve ex officio and shall include:

- (1) The planning director from each county;
- (2) The directors or chairmen from the departments of agriculture, budget and finance, planning and economic development, education, land and natural resources, Hawaii housing authority, transportation, and land use commission.

Expenses incurred by a member participating in council deliberations shall be borne by his respective public agency.

**Sec. -4. Policy council; functions.** The policy council shall:

- (1) Advise the director in the formulation, amendment, and review of the state plan;
- (2) Monitor and review actions of all state agencies for conformity with the state plan;
- (3) Provide a forum for resolving differences between the state and county policies and plans;
- (4) Participate in the four-year review of the state plan in accordance with section -24;
- (5) Submit an annual report to the legislature and the county councils as to the progress in attaining the goals and objectives of the policies in the state plan.

## PART II. STATE PLAN

**Sec. -21 State plan; enactment, review and compliance.** (a) The director, in consultation with the policy council and the appropriate state agencies, shall prepare and submit to the legislature not later than January 1, 1977 a state plan which shall be a composite of proposed and already developed state policies and programs relating to the development of the land and the development of natural, environmental, recreational, scenic, historic and other resources within the State. The state plan shall establish both long and short range goals and general implementation directions for the State which shall

include but not be limited to the following areas, provided that emphasis is given to their inter-relatedness:

- (1) Cultural development; human, ethnic and community identity; individual rights; and social problems;
- (2) Ecology, energy, natural resources, open space, and agriculture;
- (3) Education, recreation, and leisure time;
- (4) Physical, mental, and public health; safety; and related environmental protection;
- (5) Land use and transportation/communication systems;
- (6) Housing and urban design;
- (7) Public utility and governmental services;
- (8) Population size, density, and distribution;
- (9) Economic development and employment diversity; and
- (10) Rate and location of public facilities and community services.

(b) All revisions to the state plan shall be reviewed by the policy council prior to submission to the legislature. Upon receipt of the state plan, the legislature shall diligently review, modify, or enact into law a state plan.

(c) All state agencies, and the respective counties, shall comply with and implement the state plan, and the policy council shall monitor and recommend solutions to the governor in all cases of dispute over conformity with the plan or coordination between different agencies.

**Sec. -22 County general plans.** Within two years after enactment by the legislature of the state plan, and any amendments to the state plan, the general plans of the respective counties shall be amended to conform to such state plan or any amendments thereto.

**Sec. -23 Public hearings.** Before the submission of the state plan to the legislature, the director shall hold public hearings with notice given provided in chapter 91 in each county in the State. There shall be not less than two public hearings in each county giving widest geographical coverage; provided that in the city and county of Honolulu there shall be not less than three public hearings with the widest geographical coverage.

**Sec. -24 State plan; review.** The director shall conduct a comprehensive review of the state plan every fourth year following enactment by the legislature of the initial state plan. The review shall be carried out in consultation with the policy council. The director shall recommend revisions or amendments of the state plan to the legislature for action in the legislative session following said review.

**Sec. -25 Annual policy review.** The director, in consultation with the policy council, shall submit a report to the legislature covering legislation and programs of the preceding calendar year which have major statewide or county impact. The report shall assess the consistency of said legislation and programs with the state plan and shall be submitted no later than February 1 of each year.

**Sec. -26 Status report of state plan.** Prior to January 1, 1976, the director shall submit to the legislature a detailed status report on the progress as well as a preliminary draft of the proposed state plan.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 2, 1975.)

## ACT 190

H.B. NO. 990

A Bill for an Act Relating to Substance Abuse.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The legislature finds that there exist two agencies in the State responsible for the development of substance abuse programs. The legislature further finds that the increasing use of alcohol and drugs makes it imperative that a coordinated and comprehensive program in substance abuse treatment and prevention be established. The purpose of this Act is to provide a means by which full coordination of substance abuse programs may be developed.

SECTION 2. Chapter 321, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

**"PART . SUBSTANCE ABUSE**

**Sec. 321- Definitions.** As used in this part:

- (1) "Advisory commission" means the state advisory commission on drug abuse and controlled substances established in section 329-2.
- (2) "Department" means the department of health.
- (3) "Substance" means alcohol, any drug on schedules I through IV of chapter 329, or any substance which includes in its composition volatile organic solvents.
- (4) "Substance abuse" means the misuse of a substance or the use of a substance to an extent deemed deleterious or detrimental to the user, to others, or to society.

**Sec. 321- Substance abuse program.** The department shall establish a substance abuse program in the State under this part.

**Sec. 321- Duties and responsibilities of department.** The department shall:

- (1) Coordinate all substance abuse programs including rehabilitation, treatment, education, research, and prevention activities.
- (2) Prepare, administer, and supervise the implementation of a state plan for substance abuse which may consist of a plan for alcohol abuse prevention and a plan for drug abuse prevention.
- (3) Identify all funds, programs, and resources available in the State, public and private, and from the federal government which are being used or may be used to support substance abuse prevention, rehabilitation, treatment, education, and research activities.
- (4) Be the designated agency required by, and receive and administer all available substance abuse funds including but not limited to funds received from, the federal government under Public Law 92-255, Public Law 91-616, Public Law 91-211, and Title IVA and XVI of the Social Security Act or other subsequent acts of Congress which may

amend or succeed such acts.

- (5) Encourage and coordinate the involvement of private and public agencies in the assessment of substance abuse problems, needs, and resources.
- (6) Coordinate the delivery of available funding to public and private agencies for program implementation.
- (7) Establish mechanisms and procedures for receiving and evaluating program proposals, providing technical assistance, monitoring programs and securing necessary information from public and private agencies for the purposes of planning, management, and evaluation.
- (8) Review the state plan for substance abuse annually for the purpose of evaluation and make necessary amendments to conform with the requirements of federal or state laws.
- (9) Do all things necessary to effectuate the purposes of this part.

**Sec. 321- State advisory commission.** The state advisory commission on drug abuse and controlled substances established in section 329-2 shall advise the director on all matters relating to substance abuse including but not limited to the preparation of the state plan for substance abuse. In addition, the advisory commission shall perform such duties and assume such responsibilities as required by federal law for the purpose of receiving federal funding.

**Sec. 321- Annual report to the legislature.** The department shall submit an annual report to the legislature detailing its progress in the implementation of the state plan for substance abuse. The report shall be submitted twenty days before the beginning of each regular session of the legislature.

**Sec. 321- Rules.** The department shall adopt rules in accordance with chapter 91 to carry out the purposes of this part.

**Sec. 321- Personnel.** The director of health may hire such necessary personnel to carry out the purposes of this part in accordance with chapters 76 and 77.”

SECTION 3. Section 329-4, Hawaii Revised Statutes, is amended to read as follows:

“**Sec. 329-4 Duties of the commission.** The commission shall:

- (1) Act in an advisory capacity to the department relating to the scheduling of substances provided in part II of this chapter, by recommending the addition, deletion, or rescheduling of all substances enumerated in part II of this chapter.
- (2) Act in an advisory capacity to the department relating to establishment and maintenance of the classes of controlled substances, as provided in part II of this chapter.
- (3) Assist the department in coordinating all action programs of community agencies (State, county, military, or private) specifically focused on the problem of drug abuse.
- (4) Assist the department in carrying out educational programs designed to prevent and deter abuse of controlled substances.
- (5) Encourage research on abuse of controlled substances. In connection with such research, and in furtherance of the enforcement of this

chapter, it may, with the approval of the director of health: (A) establish methods to assess accurately the effects of controlled substances and to identify and characterize controlled substances with potential for abuse; (B) make studies and undertake programs of research to:

- (i) Develop new or improved approaches, techniques, systems, equipment, and devices to strengthen the enforcement of this chapter.
  - (ii) Determine patterns of abuse of controlled substances and the social effects thereof; and
  - (iii) Improve methods for preventing, predicting, understanding, and dealing with the abuse of controlled substances.
- (6) Create public awareness and understanding of the problems of drug abuse.
  - (7) Sit in an advisory capacity to the governor and other state departments as may be appropriate on matters relating to the commission's work.
  - (8) Act in an advisory capacity to the director of health in substance abuse matters under chapter 321, part . For the purposes of this paragraph, "substance" shall include alcohol in addition to any drug on schedules I through IV of this chapter and any substance which includes in its composition volatile organic solvents."

SECTION 4. The functions of the substance abuse agency established under Executive Order 74-2 are transferred to the department of health.

SECTION 5. Any law to the contrary notwithstanding, all moneys appropriated under Act 218, Session Laws of Hawaii 1974, to the substance abuse agency shall be transferred to the department of health.

SECTION 6. All officers and employees whose functions are transferred by this Act shall be transferred with their functions and shall continue to perform their regular duties upon their transfer, subject to this Act.

No officer or employee of the State having tenure shall suffer any loss of salary, seniority, prior service credit, vacation, sick leave, or other employee benefit or privilege as a consequence of this Act, and such officer or employee may be transferred or appointed to a civil service position without the necessity of examination; provided that the officer or employee possesses the minimum qualifications for the position to which he is transferred or appointed; and provided that subsequent changes in status may be made pursuant to applicable civil service and compensation laws.

An officer or employee of the State who does not have tenure and who may be transferred or appointed to a civil service position as a consequence of this Act shall become a civil service employee without the loss of salary, seniority, prior service credit, vacation, sick leave, or other employee benefits or privileges and without the necessity of examination; provided that such officer or employee possesses the minimum qualifications for the position to which he is transferred or appointed.

In the event that an office or position held by an officer or employee having tenure is abolished, the officer or employee shall not thereby be separated

from public employment, but shall remain in the employment of the State with the same pay and classification and shall be transferred to some other office or position for which the officer or employee is eligible under the personnel laws of the State as determined by the head of the department or the governor.

SECTION 7. All records, equipment, machines, files, supplies, contracts, books, papers, documents, maps, and other personal property heretofore made, used, acquired, or held by the substance abuse agency relating to the functions transferred to the department of health shall be transferred with the functions to which they relate.

SECTION 8. It is the intent of this Act not to jeopardize the receipt of any federal aid and to the extent, and only to the extent, necessary to effectuate this intent, the governor may modify the strict provisions of this Act, but shall promptly report any such modification with his reasons therefor to the legislature at its next session thereafter for review by the legislature.

SECTION 9. This Act shall take effect upon its approval.

(Approved June 2, 1975.)

## ACT 191

H.B. NO. 1713

A Bill for an Act Relating to Art in State Buildings.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 103-8, Hawaii Revised Statutes, is amended to read:

**“Sec. 103-8 Art in state buildings.** All appropriations for the original construction of any state building shall include, as a nondeductible item, an amount of one per cent of the appropriation for the acquisition of works of art which may be an integral part of the structure, attached to the structure, detached within or outside of the structure, or can be exhibited in other public facilities. If the amount shall not be required in toto or in part for any project, the unrequired amounts may be accumulated and expended for other projects or may be used to defray costs of transportation and upkeep of works of art for exhibition in public facilities.

The comptroller shall, in consultation with the state foundation on culture and the arts, determine the amount to be made available for the purchase of works of art for each project, and payments therefor shall be made, after acceptance, in accordance with law.

The selection of, commissioning of artist for, reviewing of design, execution and placement of, and the acceptance of works of art shall be the responsibility of the comptroller and the state foundation on culture and the arts.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not in-



clude the brackets, the bracketed material, or the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved June 2, 1975.)

## ACT 192

H.B. NO. 1784

A Bill for an Act Relating to the Sheriff.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. **Purpose.** The purpose of this Act is to transfer the office of the sheriff from the department of the attorney general to the judiciary.

SECTION 2. Chapter 28, part II, Hawaii Revised Statutes, is repealed.

SECTION 3. Chapter 601, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

**"PART . SHERIFF**

**Sec. 601- Office of sheriff created.** There shall be within the judiciary a division to be known as the office of sheriff, consisting of the sheriff, a first deputy sheriff and such additional deputies as the exigencies of the public service may require. They shall be subject to the supervision and control of the chief justice.

**Sec. 601- Appointment.** The chief justice shall appoint and commission and at his pleasure remove, without regard to chapters 76 and 77, the sheriff and deputy sheriffs.

**Sec. 601- Duties.** The sheriff and his deputies shall be charged with service of process and execution of any order of court. They shall also perform such other functions as the chief justice may direct in furtherance of the performance of the functions of the judiciary, other than the practice of law. In that connection, upon specific authorization and direction of the chief justice, the sheriff or a deputy sheriff shall have all of the powers of a police officer, including the power of arrest.

**Sec. 601- Special service of process.** Whenever any process issues out of any court of the State to be served on any island within the jurisdiction of the court where no serving officer is located or readily available, the chief justice shall specially deputize some suitable person on the island to make the service and return thereon. The actual expenses incurred in connection with the appointment and service, together with the serving officer's fee, shall be paid as costs by the party desiring such service.

**Sec. 601- Bonds.** The judiciary may exact from the sheriff and deputy sheriffs private bonds of indemnity, and shall be responsible for the official acts of such officers. The judiciary may pay over to a beneficial obligee, although not named in the bond, any moneys received from the surety on account of any injury or damage suffered by the beneficial obligee by acts or omissions of the obligor within the scope of activities covered by the bond. The

\*Edited accordingly.

beneficial obligee may, if necessary, bring action on the bond in his own name.

**Sec. 601- Salaries, fee.** The salary of the sheriff shall be set by the legislature.

Effective July 1, 1970, the sheriff shall receive a salary of \$11,979 a year. The salary of the first deputy sheriff shall be set by the chief justice and shall not be more than eighty-five percent of the salary of the sheriff. The sheriff's deputies, other than the first deputy, shall receive in full payment of their services only such fees as are prescribed by law; provided that the legally prescribed fees for such service of summons, subpoena, attachment, execution, or other civil process of court as provided by sections 607-4 and 607-8, shall belong to the sheriff, deputy sheriff or other officer making such service.

**Sec. 601- Process addressed to whom.** Any process of any court of record shall be addressed to the sheriff or his deputy, or to a chief of police, except as may be otherwise provided by law or rule of court, and the sheriff or his deputy, or a chief of police, or any officer serving under them shall execute the same at their peril, according to the tenor thereof, and they shall not be liable for any damages resulting from the execution of the process.

**Sec. 601- Sheriff of Kalawao County.** No provision in this chapter shall apply to the sheriff of the county of Kalawao, except those charging him with the service of process and execution of any order of court and providing for payment of legally prescribed fees for the service."

**SECTION 4.** The function and duties of the office of the sheriff are transferred from the department of the attorney general to the judiciary.

**SECTION 5. Transfer of officers and employees.** All officers and employees whose functions are transferred by this Act shall be transferred with their functions and shall continue to perform their regular duties upon their transfer, subject to the state personnel laws and this Act.

No officer or employee of the State having tenure shall suffer any loss of salary, seniority, prior service credit, vacation, sick leave, or other employee benefit or privilege as a consequence of this Act, and such officer or employee may be transferred or appointed to a civil service position without the necessity of examination; provided that the officer or employee possesses the minimum qualifications for the position to which he is transferred or appointed; and provided that subsequent changes in status may be made pursuant to applicable civil service and compensation laws.

An officer or employee of the State who does not have tenure and who may be transferred or appointed to a civil service position as a consequence of this Act shall become a civil service employee without the loss of salary, seniority, prior service credit, vacation, sick leave, or other employee benefits or privileges and without the necessity of examination; provided that such officer or employee possesses the minimum qualifications for the position to which he is transferred or appointed.

In the event that an office or position held by an officer or employee having tenure is abolished, the officer or employee shall not thereby be separated from public employment, but shall remain in the employment of the State with the same pay and classification and shall be transferred to some other office

or position for which the officer or employee is eligible under the personnel laws of the State as determined by the head of the department or the governor.

**SECTION 6. Transfer of records and equipment.** All records, equipment, machines, files, supplies, contracts, books, papers, documents, maps and other personal property heretofore made, used, acquired, or held by the department of the attorney general relating to the functions transferred to the judiciary shall be transferred with the functions to which they relate.

**SECTION 7.** This Act shall take effect upon its approval.

(Approved June 2, 1975.)

## ACT 193

H.B. NO. 1870

A Bill for an Act Relating to the Land Use Commission.

*Be It Enacted by the Legislature of the State of Hawaii:*

**SECTION 1. Findings and purpose.** The legislature finds that although the purposes of Hawaii's land use law remain as valid today as they were at the time of its enactment in 1961, the procedures through which these purposes must be realized have proved inadequate and unworkable. Under existing procedures the land use commission has been unable to reconcile in an orderly and rational manner the increasingly hostile and conflicting points of view which surround land use decisions. This Act sets forth reforms intended to insure the effective application for an established land use policy through an adversary process in which all interests will have the opportunity to compete in an open and orderly manner. The commission is constituted as a quasi-judicial body and mandated to make impartial decisions based on proven facts and established policies.

**SECTION 2.** Section 205-1, Hawaii Revised Statutes, is amended to read:

**"Sec. 205-1 Establishment of the commission.** There shall be a state land use commission, hereinafter called the commission. The commission shall consist of nine members who shall hold no other public office and shall be appointed in the manner and serve for the term set forth in section 26-34. One member shall be appointed from each of the counties and the remainder shall be appointed at large. The commission shall elect its chairman from one of its members. The members shall receive no compensation for their services on the commission, but shall be reimbursed for actual expenses incurred in the performance of their duties. Six affirmative votes shall be necessary for any boundary amendment.

The commission shall be a part of the department of planning and economic development for administration purposes, as provided for in section 26-35.

The commission may engage employees necessary to perform its duties, including administrative personnel and an executive officer. Departments of the state government shall make available to the commission such data, facilities, and personnel as are necessary for it to perform its duties. The commis-

sion may receive and utilize gifts from the federal or other governmental agencies. It shall adopt rules guiding its conduct, maintain a record of its activities, accomplishments, and make recommendations to the governor and to the legislature through the governor."

SECTION 3. Section 205-2, Hawaii Revised Statutes, is amended to read:

**"Sec. 205-2 Districting and classification of lands.** There shall be four major land use districts in which all lands in the State shall be placed: urban, rural, agricultural, and conservation. The land use commission shall group contiguous land areas suitable for inclusion in one of these four major districts.

In the establishment of boundaries of urban districts those lands that are now in urban use and a sufficient reserve area for foreseeable urban growth shall be included;

In the establishment of boundaries for rural districts, areas of land composed primarily of small farms mixed with very low density residential lots, which may be shown by a minimum density of not more than one house per one-half acre and a minimum lot size of not less than one-half acre shall be included;

In the establishment of the boundaries of agricultural districts the greatest possible protection shall be given to those lands with a high capacity for intensive cultivation; and

In the establishment of the boundaries of conservation districts, the "forest and water reserve zones" provided in section 183-41 are renamed "conservation districts" and, effective as of July 11, 1961, the boundaries of the forest and water reserve zones theretofore established pursuant to section 183-41, shall constitute the boundaries of the conservation districts; provided that thereafter the power to determine the boundaries of the conservation districts shall be in the commission.

In establishing the boundaries of the districts in each county, the commission shall give consideration to the general plan of the county.

Urban districts shall include activities or uses as provided by ordinances or regulations of the county within which the urban district is situated.

Rural districts shall include activities or uses as characterized by low density residential lots of not more than one dwelling house per one-half acre in areas where "city-like" concentration of people, structures, streets, and urban level of services are absent, and where small farms are intermixed with the low density residential lots. These districts may include contiguous areas which are not suited to low density residential lots or small farms by reason of topography, soils, and other related characteristics.

Agricultural districts shall include activities or uses as characterized by the cultivation of crops, orchards, forage, and forestry; farming activities or uses related to animal husbandry, and game and fish propagation; services and uses accessory to the above activities including but not limited to living quarters or dwellings, mills, storage facilities, processing facilities, and roadside stands for the sale of products grown on the premises; agricultural parks and open area recreational facilities.

These districts may include areas which are not used for, or which are not suited to, agricultural and ancillary activities by reason of topography, soils, and other related characteristics.

Conservation districts shall include areas necessary for protecting watersheds and water sources; preserving scenic and historic areas; providing park lands, wilderness, and beach; conserving endemic plants, fish, and wildlife; preventing floods and soil erosion; forestry; open space areas whose existing openness, natural condition, or present state of use, if retained, would enhance the present or potential value of abutting or surrounding communities, or would maintain or enhance the conservation of natural or scenic resources; areas of value for recreational purposes; and other related activities; and other permitted uses not detrimental to a multiple use conservation concept."

SECTION 4. Section 205-3, Hawaii Revised Statutes, is amended to read:

**"Sec. 205-3 Retention of district boundaries.** Land use district boundaries existing as of the effective date of this Act, shall continue in full force and effect subject to amendment as provided in this chapter or order of a court of competent jurisdiction based upon any litigation filed prior to July 1, 1975 or filed within thirty days after service of a certified copy of any final decision and order made as part of the commission's 1974 periodic boundary review, whichever occurs later."

SECTION 5. Section 205-4, Hawaii Revised Statutes, is amended to read:

**"Sec. 205-4 Amendments to district boundaries.**

(a) Any department or agency of the State including the land use commission, any department or agency of the county in which the land is situated, or any person with a property interest in the land sought to be reclassified, may petition the land use commission for a change in the boundary of a district.

(b) Upon proper filing of a petition pursuant to subsection (a) above, the commission shall, within not less than sixty and not more than one hundred and twenty days, conduct a hearing on the appropriate island in accordance with the provisions of sections 91-9, 91-10, 91-11, 91-12, and 91-13, Hawaii Revised Statutes, as applicable.

(c) Any other provision of law to the contrary notwithstanding, notice of the hearing together with a copy of the petition shall be served on the county planning commission and the county planning department and all persons with a property interest in the land recorded at the department of taxation. In addition, such notice shall be mailed to all persons who have made a timely written request for advance notice of boundary amendment proceedings, and shall be published at least once in a newspaper in the county in which the land sought to be redistricted is situated as well as once in a newspaper of general circulation in the State at least thirty days in advance of the hearing. The notice shall comply with the provisions of section 91-9, shall indicate the time and place that maps showing the proposed district boundary may be inspected, and further shall inform all interested persons of their rights under subsection (d) of this section.

(d) Any other provisions of law to the contrary notwithstanding, agencies and persons may intervene in the proceedings in accordance with this subsection.

(1) The petitioner, the department of planning and economic development and the county planning department shall in every case appear as parties and make recommendations relative to the proposed boundary change.

(2) All departments and agencies of the State and of the county in which the land is situated shall be admitted as parties upon timely application for intervention.

(3) All persons who have some property interest in the land, who lawfully reside on the land, or who otherwise can demonstrate that they will be so directly and immediately affected by the proposed change that their interest in the proceeding is clearly distinguishable from that of the general public shall be admitted as parties upon timely application for intervention.

(4) All other persons may apply to the commission for leave to intervene as parties. Leave to intervene shall be freely granted, provided that the commission or its hearing officer if one is appointed may deny an application to intervene when in the commission's or hearing officer's sound discretion it appears that: (1) the position of the applicant for intervention concerning the proposed change is substantially the same as the position of a party already admitted to the proceeding; and (2) the admission of additional parties will render the proceedings inefficient and unmanageable. A person whose application to intervene is denied may appeal such denial to the circuit court pursuant to section 91-14.

(5) The commission shall pursuant to chapter 91 adopt rules governing the intervention of agencies and persons under this subsection. Such rules shall without limitation establish: (a) the information to be set forth in any application for intervention; (b) time limits within which such applications shall be filed; and (c) reasonable filing fees to accompany such applications.

(e) Together with other witnesses that the commission may desire to hear at the hearing, it shall allow a representative of a citizen or a community group to testify who indicates a desire to express the views of such citizen or community group concerning the proposed boundary change.

(f) Within a period of not more than ninety and not less than forty-five days after the close of the hearing, unless otherwise ordered by a court, the commission shall, by filing findings of fact and conclusions of law, act to approve the petition, deny the petition, or to modify the petition by imposing conditions necessary to uphold the intent and spirit of this chapter or the policies and criteria established pursuant to section 205- or to assure substantial compliance with representations made by the petitioner in seeking a boundary change. Such conditions, if any, shall run with the land and be recorded in the bureau of conveyances.

(g) No amendment of a land use district boundary shall be approved un-

less the commission finds upon the clear preponderance of the evidence that the proposed boundary is reasonable, not violative of section 205-2 and consistent with the interim policies and criteria established pursuant to section 205- , or any state plan enacted by the legislature which plan shall supersede any interim guidance policies.

(h) Parties to proceedings to amend land use district boundaries may obtain judicial review thereof in the manner set forth in section 91-14, Hawaii Revised Statutes, provided that the court may also reverse or modify a finding of the commission if such finding appears to be contrary to the clear preponderance of evidence.”

SECTION 6. Section 205-7, Hawaii Revised Statutes, is amended to read:

“**Sec. 205-7 Adoption, amendment or repeal of rules.** The land use commission shall adopt, amend or repeal rules relating to matters within its jurisdiction in the manner prescribed in chapter 91.

SECTION 7. Section 205-9, Hawaii Revised Statutes, is repealed.

SECTION 8. Section 205-10, Hawaii Revised Statutes, is repealed.

SECTION 9. Section 205-11, Hawaii Revised Statutes, is repealed.

SECTION 10. Chapter 205, Hawaii Revised Statutes, is amended by adding thereto a new section to be appropriately designated and to read:

“**Sec. 205- Adoption of interim statewide land use guidance policy.** The legislature hereby adopts the following as interim statewide land use guidance policy set forth in this section. Except when the land use commission finds that an injustice or inequity will result, the commission shall observe and comply with these interim statewide land use guidance policies during the period commencing from the effective date of this Act until the effective date of the enactment of the state plan. The state plan shall be a long-range, comprehensive plan and policies which shall serve as a guide for the future long-range development of the State in accordance with chapter , Hawaii Revised Statutes.

### INTERIM STATEWIDE LAND USE GUIDANCE POLICY

The interim policies are:

(1) Land use amendments shall be approved only as reasonably necessary to accommodate growth and development, provided there are no significant adverse effects upon agricultural, natural, environmental, recreational, scenic, historic, or other resources of the area.

(2) Lands to be reclassified as an urban district shall have adequate public services and facilities or as can be so provided at reasonable costs to the petitioner.

(3) Maximum use shall be made of existing services and facilities, and scattered urban development shall be avoided.

(4) Urban districts shall be contiguous to an existing urban district or shall constitute all or a part of a self-contained urban center.

(5) Preference shall be given to amendment petitions which will provide permanent employment, or needed housing accessible to existing or proposed employment centers, or assist in providing a balanced housing supply for all economic and social groups.

(6) In establishing the boundaries of the districts in each county, the commission shall give consideration to the general plan of the county.

(7) Insofar as practicable conservation lands shall not be reclassified as urban lands.

(8) The commission is encouraged to reclassify urban lands which are incompatible with the interim statewide land use guidance policy or are not developed in a timely manner.”

SECTION 11. Chapter 205, Hawaii Revised Statutes, is amended by adding thereto a new section to be appropriately designated and to read:

“**Sec. 205- Legal effect of interim statewide land use guidance policy.** The interim statewide land use guidance policy set forth in section 205- shall remain in full force and effect during the period from the effective date of this Act until the effective date of the enactment of the state plan.”

SECTION 12. Chapter 205, Hawaii Revised Statutes, is amended by adding thereto a new section to be appropriately designated and to read:

“**Sec. 205- Compliance with state plan.** Upon enactment of the State plan, no amendment to any land use district boundary nor any other action by the land use commission shall be adopted unless such amendment or other action conforms to the state plan.”

SECTION 13. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 14. This Act shall take effect upon its approval.

(Approved June 2, 1975.)

A Bill for an Act Relating to Driver's License Renewal Requirements.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 286-107, Hawaii Revised Statutes, is amended by amending subsection (b) to read:

“(b) Except as otherwise provided in subsection (c) an applicant for a renewal of a driver's license shall appear in person before the examiner of drivers and the examiner of drivers shall administer such physical examinations and tests of his knowledge of the rules of the road as the state highway safety coordinator deems necessary to determine the applicant's fitness to continue to operate a motor vehicle.”

\*Edited accordingly.



SECTION 2. Section 286-107, Hawaii Revised Statutes, is amended by amending subsection (e) to read:

“(e) No driver’s license shall be renewed by the examiner of drivers unless the examiner of drivers is satisfied of the applicant’s fitness to continue to operate a motor vehicle and has demonstrated his knowledge of the rules of the road through examinations as may be required by rules adopted by the state highway safety coordinator, and unless the fee required by subsection (d) is tendered together with the application for renewal.”

SECTION 3. Section 286-108, Hawaii Revised Statutes, is amended to read:

“The examiner of drivers shall examine every applicant for a driver’s license, except as otherwise provided in this part. The examination shall be held in the county where the applicant resides within ten days from the date of filing of the application. It shall include a test of the applicant’s eyesight and such further physical examination as the examiner of drivers finds necessary to determine the applicant’s fitness to operate a motor vehicle safely upon the highways; the applicant’s ability to understand highway signs regulating, warning, and directing traffic; his knowledge of the rules of the road based on the traffic laws of the State and the traffic ordinances of the county where he resides or where he intends to operate a motor vehicle; and actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle. The examinations shall be appropriate to the operation of the category of motor vehicle for which the applicant seeks to be licensed and shall be conducted as required by the state highway safety coordinator.”

SECTION 4. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 5. This Act shall take effect upon its approval.  
(Approved June 2, 1975.)

## ACT 195

S.B. NO. 535

A Bill for an Act Relating to the State Budget.

*Be It Enacted by the Legislature of the State of Hawaii:*

### PART I. GENERAL PROVISIONS

SECTION 1. **Short title.** This Act shall be known and may be cited as the General Appropriation Act of 1975.

SECTION 2. **Definitions.** Unless otherwise clear from the context, as used in this Act:

(a) “Program ID” means the unique identifier for the specific program, and consists of the abbreviation for the organization responsible for carrying

\*Edited accordingly.

out the program, followed by the organization number for the program.

(b) "Expending agency" means the executive department, independent commission, bureau, office, board, or other establishment of the state government (other than the legislature and the Judiciary), the political subdivision of the State, or any quasi-public institution supported in whole or in part by state funds, which is authorized to expend specified appropriations made by this Act. Abbreviations, where used to denote the expending agency, shall mean the following:

AGR	Department of Agriculture
AGS	Department of Accounting and General Services
ATG	Department of Attorney General
BUF	Department of Budget and Finance
DEF	Department of Defense
EDN	Department of Education
GOV	Office of the Governor
HHL	Department of Hawaiian Home Lands
HTH	Department of Health
LBR	Department of Labor & Industrial Relations
LNR	Department of Land & Natural Resources
LTG	Office of the Lieutenant Governor
PED	Department of Planning & Economic Development
PER	Department of Personnel Services
REG	Department of Regulatory Agencies
SOC	Department of Social Services & Housing
TRN	Department of Transportation
TAX	Department of Taxation
UOH	University of Hawaii
COH	County of Hawaii
CCH	City & County of Honolulu
COM	County of Maui
COK	County of Kauai

(c) "Source of funding" means the source from which funds are appropriated, or authorized, as the case may be, to be expended for the programs and projects specified in this act. All appropriations are preceded by letter symbols. Such letter symbols, where used, shall have the following meaning:

A	general fund
B	special fund
C	general obligation bond fund
D	general obligation bond fund with debt service cost to be paid from special funds
E	revenue bond funds
J	federal aid interstate funds
K	federal aid primary funds
L	federal aid secondary funds
M	federal aid urban funds
N	other federal funds
R	private contributions

S county funds  
T trust funds  
X other funds

(d) "Position ceiling" means the maximum number of permanent positions that an expending agency is authorized for a particular program during a specified period or periods, as denoted by an asterisk.

(e) "Capital project number" means the official number of the capital project, as assigned by the responsible organization.

## **PART II. PROGRAM APPROPRIATIONS**

**SECTION 3. APPROPRIATIONS.** The following sums, or so much thereof as may be sufficient to accomplish the purposes and programs designated herein, are hereby appropriated or authorized, as the case may be, from the sources of funding specified to the expending agencies designated for the fiscal biennium beginning July 1, 1975 and ending June 30, 1977. The total expenditures and the number of positions in each fiscal year of the biennium shall not exceed the sums and the number indicated for each year, except as provided elsewhere in this act.

APPROPRIATIONS

Program ID

Item No.	Program	Org.	No.	Exp. Agy.	FY 1975-1976		FY 1976-1977		Total Biennium 1975-1977
					D E	C	D E	C	
<b>A. ECONOMIC DEVELOPMENT</b>									
1	COMMERCE AND INDUSTRY	PED	102		17.00*	17.00*	17.00*	17.00*	2,667,844A
	Operating			PED	1,331,995A	1,335,849A	1,335,849A	1,335,849A	325,000B
				PED	150,000B	175,000B	175,000B	175,000B	
2	TRANSPORTATION, COMMUNICATIONS AND UTILIT	LNR	140		3.00*	3.00*	3.00*	3.00*	141,682A
	Operating			LNR	70,533A	71,149A	71,149A	71,149A	5,455,000C
	Investment: Capital			LNR	5,455,000C				
3	TRADE AND FINANCE	PED	105		7.00*	7.00*	7.00*	7.00*	355,066A
	Economic Assistance for Trade and Finance			PED	170,319A	184,747A	184,747A	184,747A	4,000,000C
	Operating			PED	4,000,000C				
	Investment: Capital			PED					
4	SCS Devlpmt & Marketing for Trade & Fina	PED	107		25.00*	27.00*	27.00*	27.00*	1,060,998B
	Operating			PED	506,626B	554,372B	554,372B	554,372B	2,550,000C
	Investment: Capital			PED	2,550,000C				
5	TOURISM	PED	113		1,799,000A	1,883,000A	1,883,000A	1,883,000A	3,682,000A
	Operating			PED	628,000R	658,000R	658,000R	658,000R	1,286,000R
				PED	15,000X	15,000X	15,000X	15,000X	30,000X
6	AGRICULTURE	AGR	101		10.00*	10.00*	10.00*	10.00*	5,394,512B
	Economic Assistance for Agriculture			AGR	2,890,379B	2,504,133B	2,504,133B	2,504,133B	
	Loans for Agriculture								
	Department of Agriculture—Loans								
	Operating								

7	Department of Hawaiian Home Lands— Loans	HHL 101					
	Operating	HHL	2.62*	2.62*	55,585B	107,966B	
8	Price and Production Controls for Agr	AGR 103					
	Operating	AGR	8.00*	8.00*	137,206A	276,915A	
9	Productv Imprvmt & Mgt Assnce for Agr Production & Mngmt Methods Imprvmt for Farms & Ranches—Productn & Mgt Imprvmt	HHL 111					
	Operating	HHL	17.18*	17.18*	267,452B	772,730B	
	Investment: Capital	HHL	505,278B	505,278B		1,000,000C	
10	Commercial Fishery	LNR 153					
	Operating	LNR	11.71*	11.71*	245,574A	479,175A	
		LNR	1.23*	1.23*	19,719B	39,353B	
	Investment: Capital	LNR	2.16*	2.16*	31,813N	63,569N	
		LNR	110,000C	110,000C		110,000C	
11	Plant Pest and Disease Control Plant Quarantine	AGR 121					
	Operating	AGR	38.50*	39.50*	593,559A	1,174,571A	
		AGR	581,012A	581,012A	254,576T	467,447T	
12	Plant Pest Control	AGR 122					
	Operating	AGR	25.50*	25.50*	659,732A	1,338,013A	
	Investment: Capital	AGR	678,281A	678,281A	6,000N	12,000N	
		AGS	463,000C	463,000C		463,000C	

Item No.	Program	Program ID	Exp. Agy.	APPROPRIATIONS				Total Biennium 1975-1977 E
				FY 1975-1976	FY 1976-1977	C O D E	C O D E	
13	Animal Pest and Disease Control Animal Quarantine	AGR 131	AGR	35.00* 656,029A	35.00* 654,177A			1,310,206A
14	Animal Disease Control	AGR 132	AGR	22.00* 518,656A 17,000T	22.00* 495,997A 17,000T			1,014,653A 34,000T
15	Irrigation Services for Agriculture	LNR 161	LNR	15.00* 493,660A 59,000B 124,000C	15.00* 502,847A 59,000B C			996,507A 118,000B 124,000C
16	Product Development and Marketing for Ag Forestry—Products Development	LNR 172	LNR	10.00* 266,364A 28,000N	10.00* 271,950A 28,000N			538,314A 56,000N
17	Distribution Systems Improvement for Agr	AGR 151	AGR	38.00* 667,679A 125,000B 14,400N 4,500X	38.00* 670,617A 150,000B 14,400N 4,500X			1,338,296A 275,000B 28,800N 9,000X
18	General Support for Agr Production Data Collection for Agr	AGR 190	AGR	8.00* 127,852A	8.00* 130,275A			258,127A

19	Marketing Data Collection for Agr Operating	AGR 191	4.00* 80,448A	4.00* 80,227A	160,675A
20	General Administration for Agr Operating	AGR 192	31.00* 579,428A	31.00* 559,781A	1,139,209A
21	ECON PLANNING & COORD FOR ECON DEVELOPME Econ Planning & Policy Analysis for Ec D	PED 131	7.00* 111,916A	7.00* 111,961A	223,877A
22	Basic Econ Research for Econ Development	PED 132	2.00* 125,806A	2.00* 104,751A	230,557A
23	Data and Statistics for Economic Develop Operating	PED 141	5.00* 88,865A	5.00* 89,524A	178,389A
24	Office of the Gov—Gmrl Sppt for Econ D Operating	GOV 109	1.00* 622,329A	1.00* 722,673A	1,345,002A

**B. EMPLOYMENT**  
FULL & EQUAL OPPORTUNITY TO WORK

1	Fair Employment Practices Operating	LBR 101	3.70* 60,391A	3.70* 61,580A	121,971A
2	Placement Services Operating	LBR 111	3.00* 322,045A 263.00* 4,910,622N	3.00* 323,499A 263.00* 5,024,731N	645,544A 9,935,353N
		LBR	3.00* 45,000X	3.00* 45,000X	90,000X

Program ID APPROPRIATIONS

Item No.	Program	Org. No.	Exp. Agy.	FY		FY		Total Biennium 1975-1977 E
				1975-1976 E	1976-1977 E	1975-1976 E	1976-1977 E	
3	Manpower Development & Training	UOH	852					
	Operating			14.00*	14.00*	382,000A	355,000A	737,000A
				100,000B	108,000*	100,000B	108,000*	200,000B
4	Apprenticeship & Other Training Programs	LBR	123			3,317,588N	3,359,747N	6,677,335N
	Operating			7.00*	7.00*	112,279A	113,592A	225,871A
5	DECENT WORKING CONDITIONS							
	Occupational Safety	LBR	141					
	Operating			37.75*	37.75*	548,192A	560,107A	1,108,299A
				18.75*	18.75*	398,167N	404,921N	803,088N
6	Occupational Health	LBR	142					
	Operating			7.25*	7.25*	128,857A	131,703A	260,560A
				7.25*	7.25*	128,857N	131,702N	260,559N
7	FAIR TREATMENT & EQUITABLE COMPENSATION							
	Wages, Hours, and Compensation	LBR	151					
	Operating			21.30*	21.30*	317,101A	322,154A	639,255A
8	Labor-Management Relations	LBR	161					
	Public Employment							
	Operating	LBR		3.00*	3.00*	319,929A	320,729A	640,658A



9	Private Employment Operating	LBR 162	LBR	1.50* 36,652A	1.50* 38,481A	75,133A
10	ASSISTANCE IN WORK RELATED DIFFICULTIES Unemployment Compensation Operating	LBR 171	LBR	50,900,000B 214.40* 3,390,015N	56,000,000B 214.40* 3,439,645N	106,900,000B 6,829,660N
11	Disability Compensation Work Connected Disabilities Operating	LBR 181	LBR	54.00* 869,027A 818,000B	54.00* 884,318A 900,000B	1,753,345A 1,718,000B
12	Non-Work Connected Disabilities Operating	LBR 182	LBR	23.00* 376,538A 10,000B	23.00* 377,940A 12,000B	754,478A 22,000B
13	Vocational Rehabilitation Operating Investment: Capital	SOC 802	SOC SOC SOC AGS	21.40* 729,000A 77,000B 90.60* 2,989,404N 441,000C	21.40* 753,957A 77,000B 90.60* 3,036,963N C	1,482,957A 154,000B 6,026,367N 441,000C
14	OVERALL PROGRAM SUPPORT DLIR—Data Gathering, Research and Anlys Operating	LBR 901	LBR	7.40* 120,100A 30.90* 583,873N	7.40* 120,792A 30.90* 593,630N	240,892A 1,177,503N
15	CMFE—Data Gathering, Research and Anlys Operating	GOV 801	GOV GOV	6.00* 153,616A 37,756N	6.00* 157,300A 37,748N	310,916A 75,504N

APPROPRIATIONS

Program ID

Item No.	Program	Org. No.	Exp. Agency	FY 1975-1976			FY 1976-1977			Total Biennium 1975-1977
				C	D	E	C	D	E	
16	General Administration	LBR 902		24.45*			24.45*			787,305A
	Operating		LBR	390,701A			396,604A			
				52.80*			52.80*			
			LBR	880,302N			873,629N			1,753,931N
<b>C. TRANSPORTATION FACILITIES</b>										
<b>AIR TRANSPORTATION FACILITIES AND SVCS</b>										
Airports Facilities and Services										
HIA Facilities & Svcs										
1		TRN 102								
	Operating		TRN	407.00*			408.00*			21,821,740B
	Investment: Capital		TRN	10,323,065B			11,498,675B			5,795,000B
			TRN	5,795,000B						7,400,000D
			TRN	7,400,000D						34,898,000E
			TRN	34,898,000E						4,300,000N
			TRN	4,300,000N						
2	General Lyman Field Facilities and Svcs	TRN 111								
	Operating		TRN	68.00*			73.00*			2,554,284B
	Investment: Capital		TRN	1,245,469B			1,308,815B			6,600,000D
			TRN	6,600,000D						2,700,000E
			TRN	2,700,000E						400,000N
			TRN	400,000N						
3	Ke-Ahole Airport Facilities and Services	TRN 114								
	Operating		TRN	48.00*			48.00*			1,977,070B
	Investment: Capital		TRN	955,246B			1,021,824B			400,000D
			TRN	400,000D						
4	Waimea-Kohala Airport Facilities and Svc	TRN 116								
	Operating		TRN	2.00*			12.00*			289,553B
			TRN	82,776B			206,777B			

5	Upolu Airport Facilities and Services Operating	TRN	118	TRN	3,250B	7,525B	10,775B
6	Kahului Airport Facilities and Services	TRN	131				
	Operating	TRN			68.00*	68.00*	2,541,869B
	Investment: Capital	TRN			1,257,535B	1,257,535B	350,000D
		TRN					150,000N
7	Hana Airport Facilities and Services	TRN	133				
	Operating	TRN			1.00*	1.00*	54,568B
		TRN			26,446B	28,122B	
8	Molokai Airport Facilities and Services	TRN	141				
	Operating	TRN			4.00*	17.00*	453,911B
	Investment: Capital	TRN			156,641B	297,270B	550,000D
		TRN			550,000D		450,000N
		TRN			450,000N		
9	Lanai Airport Facilities and Services	TRN	151				
	Operating	TRN			2.00*	12.00*	252,606B
	Investment: Capital	TRN			61,467B	191,139B	370,000D
		TRN			370,000D		250,000N
		TRN			250,000N		
10	Lihue Airport Facilities and Services	TRN	161				
	Operating	TRN			56.00*	56.00*	2,176,712B
	Investment: Capital	TRN			1,100,124B	1,076,588B	6,550,000D
		TRN			6,550,000D		4,350,000N
		TRN			4,350,000N		
11	Bellows Field Facilities and Services	TRN	171				
	Operating	TRN			1.00*	1.00*	89,087B
		TRN			55,349B	33,738B	
12	Dillingham Field Facilities and Services	TRN	172				
	Operating	TRN			1.00*	1.00*	125,725B
		TRN			73,405B	52,320B	
13	Ala Wai Heliport Facilities and Services	TRN	173				
	Operating	TRN			700B	700B	1,400B

Item No.	Program	Program ID	Exp. Agy.	APPROPRIATIONS					Total Biennium 1975-1977 E
				Org. No.	FY 1975-1976 E	FY 1976-1977 E	C D E	C D E	
14	Kalaupapa Airport Facilities and Service Operating	TRN 181	TRN	1.00* 27,454B	1.00* 19,536B			46,990B	
15	Port Allen Airport Facilities and Service Operating	TRN 191	TRN	10,645B	700B			11,345B	
16	Air Transportation Facilities & Svcs Sup General Administration for Air Trans F & S	TRN 293	TRN TRN	44.00* 26,974,614B 250,000B	44.00* 29,990,867B	B		56,965,481B 250,000B	
17	WATER TRANSPORTATION FACILITIES AND SERV Harbors Facilities and Services Honolulu Harbor Facilities and Services	TRN 301	TRN TRN TRN	133.00* 3,744,458B 470,000B 3,647,000D	133.00* 3,864,620B	B D		7,609,078B 470,000B 3,647,000D	
18	Hilo Harbor Facilities and Services Operating Investment: Capital	TRN 311	TRN TRN	12.00* 384,240B 1,150,000D	12.00* 401,416B	D		785,656B 1,150,000D	
19	Kaunohou Harbor Facilities and Services Operating Investment: Capital	TRN* 313	TRN TRN	5.00* 132,304B 80,000B	5.00* 137,162B	B		269,466B 80,000B	
20	Kahului Harbor Facilities and Services Operating Investment: Capital	TRN 331	TRN TRN	14.00* 501,808B 750,000D	14.00* 401,746B	D		903,554B 750,000D	

21	Kaunakakai Harbor Facilities and Service	TRN	341	TRN	1.00*	1.00*	135,686B	
	Operating				81,303B	54,383B		
22	Nawiliwili Harbor Facilities and Service	TRN	361	TRN	11.00*	11.00*	745,502B	
	Operating				426,173B	319,329B	150,000B	
	Investment: Capital				150,000B	B		
23	Port Allen Harbor Facilities and Service	TRN	363	TRN	1.00*	1.00*	139,479B	
	Operating				92,550B	46,929B		
24	Kewalo Basin Facilities and Services	TRN	371	TRN	1.00*	1.00*	260,392B	
	Operating				154,854B	105,538B		
25	Other Water Transportation F & S	TRN	401	TRN	25,000B	B	25,000B	
	Investment: Capital				1,500,000D	D	1,500,000D	
26	Water Transportation F & S Support Planning and Analysis for Water Trans F	TRN	491	TRN	9.75*	9.75*	640,912B	
	Operating				316,868B	324,044B	90,000B	
	Investment: Capital				90,000B	B		
27	General Administration for Water Trans F	TRN	493	TRN	26.75*	26.75*	14,302,683B	
	Operating				6,241,628B	8,061,055B		
	Investment: Capital							
	LAND TRANSPORTATION FACILITIES AND SERVICES							
28	Corridors and Highways and Services Oahu Highways and Services	TRN	501	TRN	191.00*	196.00*	10,797,547B	
	Operating				5,113,738B	5,683,809B	16,222,000D	
	Investment: Capital				16,222,000D	D	1,083,000J	
					1,083,000J	J	11,791,000K	
					11,791,000K	K	305,000L	
					305,000L	L	334,000M	
					334,000M	M	884,000N	
					884,000N	N		

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Item No.	Program	Program ID		Exp. Agency	1975-1976			1976-1977			Total	
		Org.	No.		FY	C	D	E	FY	C	D	O
29	Hawaii Highways and Services Operating Investment: Capital	TRN	511	TRN	97,00*	2,308,376B	97,00*	2,175,949B	4,484,325B			
						7,599,000D			7,599,000D			
						1,655,000K			1,655,000K			
30	Maui Highways and Services Operating Investment: Capital	TRN	531	TRN	50,00*	1,559,085B	50,00*	1,102,689B	2,661,774B			
						5,226,000D			5,226,000D			
						5,312,000K			5,312,000K			
31	Molokai Highways and Services Operating Investment: Capital	TRN	541	TRN	11,00*	347,911B	11,00*	154,638B	502,549B			
						37,000D			37,000D			
32	Lanai Highways and Services Operating Investment: Capital	TRN	551	TRN	3,00*	119,366B	3,00*	35,528B	154,894B			
						17,000D			17,000D			
33	Kauai Highways and Services Operating Investment: Capital	TRN	561	TRN	41,00*	1,340,999B	41,00*	1,098,440B	2,439,439B			
						2,207,000D			2,207,000D			
						1,932,000K			1,932,000K			
34	Land Transportation F & S Support Safety Administration of Land Transport A Operating	TRN	813	TRN	3,00*	78,700B	3,00*	81,637B	160,337B			
						4,00*			4,00*			
						93,025N			96,538N			

35	General Administration for Land Trans F	TRN	814						
	Operating	TRN		39,00*	39,00*				
	Investment: Capital	TRN		13,693,225B	15,452,617B				29,145,842B
		TRN		1,606,000D	D				1,606,000D
		TRN		645,000K	K				645,000K
		TRN		1,041,000N	N				1,041,000N
OVERALL PROGRAM SUPPORT FOR TRANS F & S									
36	Overall Transp. Planning & Res for Trans	TRN	901						
	Operating	TRN		3,00*	3,00*				549,611B
		TRN		298,963B	250,648B				
37	General Administration for Trans F & S	TRN	902						
	Operating	TRN		52,00*	52,00*				2,781,287B
		TRN		1,378,846B	1,402,441B				
38	Inter-Governmental Trans Central Commission	GOV	399						
	Operating	GOV		5,00*	5,00*				186,323B
		GOV		91,544B	94,779B				

**D. ENVIRONMENTAL PROTECTION**

**POLLUTION CONTROL**

1	Solids, Liquids, and Gases	HTH	841						
	Operating	HTH		30,50*	31,00*				
		HTH		453,512A	466,919A				920,431A
		HTH		10,75*	10,00*				
		HTH		278,074N	265,526N				543,600N
2	Radiation	HTH	661						
	Operating	HTH		2,50*	2,50*				
		HTH		43,556A	41,332A				84,888A
		HTH		1,00*	1,00*				
		HTH		15,849N	16,642N				32,491N
3	Noise	HTH	845						
	Operating	HTH		10,50*	10,50*				
		HTH		157,952A	157,034A				314,986A

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				Org.	FY 1975-1976 E	FY 1976-1977 E	FY 1976-1977 E	FY 1976-1977 E	FY 1976-1977 E	
4	Pesticides	AGR 846	AGR	7.00*	89,227A	7.00*	72,224A	7.00*	161,451A	
	Operating		AGR							
5	PRESERVATION AND ENHANCEMENT Fish and Wildlife	LNR 401	LNR	9.45*	114,411A	9.71*	151,556A	9.71*	295,967A	
	Operating		LNR	3.35*	41,574N	3.09*	41,667N	3.09*	83,241N	
6	Forests and Open Spaces	LNR 402	LNR	73.00*	1,382,162A	73.00*	1,302,175A	73.00*	2,684,337A	
	Operating		LNR		118,700N		118,700N		237,400N	
	Investment: Capital		LNR	536,000C					536,000C	
7	Mineral Resources	LNR 403	LNR	3.00*	48,763A	3.00*	50,750A	3.00*	99,513A	
	Operating		LNR							
8	Inland Waters	LNR 404	LNR	11.00*	722,470A	11.00*	733,293A	11.00*	1,455,763A	
	Operating		LNR	404,000N	398,000N	404,000N	398,000N	404,000N	802,000N	
	Investment: Capital		LNR	12,900R	12,900R	12,900R	12,900R	12,900R	25,800R	
			LNR	362,000N		362,000N		362,000N	362,000N	
9	GENERAL SUPPORT FOR NAT PHYS ENVIRONMENT Policy Dvlpmt, Coord & Anlys For Nat P	GOV 401	GOV	11.00*	481,291A	11.00*	492,234A	11.00*	973,525A	
	Operating		GOV							



10	LNR-Natural Physical Environment	LNR	906						
	Operating	LNR			28.00*	28.00*			
					561,077A	561,077A			1,137,484A
11	HTH—Natural Physical Environment	HTH	849						
	Operating	HTH			8.00*	8.00*			
					148,059A	150,954A			299,013A
					2.25*	2.00*			
		HTH			57,739N	53,510N			111,249N
<b>E. HEALTH</b>									
<b>PHYSICAL HEALTH</b>									
Communicable Diseases									
1	Tuberculosis	HTH	101						
	Operating	HTH			33.00*	33.00*			
					685,094A	625,941A			1,311,035A
					10.00*	10.00*			
		HTH			136,274N	143,371N			279,645N
	Investment: Capital	AGS			200,000C				200,000C
2	Leprosy	HTH	111						
	Operating	HTH			102.00*	102.00*			
					1,934,704A	1,943,721A			3,878,425A
		HTH			96,000B	96,000B			192,000B
	Investment: Capital	AGS			1,100,000C				1,100,000C
3	Venereal Disease	HTH	121						
	Operating	HTH			7.00*	9.00*			
					143,893A	165,760A			309,653A
					7.00*	5.00*			
		HTH			110,368N	95,735N			206,103N
4	Other Communicable Diseases								
	Prevent & Detect of Other Commun Disease	HTH	131						
	Operating	HTH			8.00*	10.00*			
					186,626A	209,863A			396,489A
					4.00*	2.00*			
		HTH			54,891N	34,383N			89,274N

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					D E	C	D E	C	
5	Supporting Services for Commun Diseases Operating	HTH	139	HTH	6.00*	93,600A	6.00*	95,480A	189,080A
6	Chronic Diseases Prevention and Detection of Chronic Dise	HTH	151	HTH	3.00*	82,445A	3.00*	84,182A	166,627A
						2.00*		2.00*	
						31,851N		33,443N	65,294N
7	Dental Diseases Prevention and Detection of Dental Disea	HTH	141	HTH	34.00*	389,752A	34.00*	396,716A	786,468A
8	Treatment of Dental Diseases Operating	HTH	142	HTH	9.00*	153,596A	11.00*	180,109A	333,705A
						1.20*		1.20*	
	Sensory Deficiencies				19,997N		21,005N	41,002N	
9	Preventn & Detectcn of Sensory Deficiency Operating	HTH	171	HTH	8.00*	124,941A	8.00*	126,814A	251,755A
						1.00*		1.00*	
					13,995N		14,695N	28,690N	
10	Nutritional Conditions Prevention of Nutritional Conditions Operating	HTH	181	HTH	5.75*	81,917A	5.75*	82,775A	164,692A
						8.25*		8.25*	
						524,516N		558,532N	1,083,048N

11	Maternal Health Services DOH—Family Planning Services Operating	HTH	161	HTH	83,761A 21,25*	84,507A 21,25*	168,268A
				HTH	1,340,046N	1,353,718N	2,693,764N
12	DSSH—Family Planning Services Operating	SOC	161	SOC	3,11* 42,655A 3,48*	3,11* 44,865A 3,48*	87,520A
				SOC	57,281N	57,933N	115,214N
13	Hospital Care Hilo Hospital—Hospital Care Operating	HTH	211	HTH	190.30* 2,161,956A 305.90*	195.97* 2,499,346A 300.23*	4,661,302A
	Investment: Capital	AGS		AGS	6,326,435B 422,000C	6,270,544B C	12,596,979B 422,000C
14	Honokaa Hospital—Hospital Care Operating	HTH	212	HTH	17,00* 276,000A 26,00*	17,00* 308,973A 26,00*	584,973A
				HTH	513,000B	506,558B	1,019,558B
15	Ka'u Hospital—Hospital Care Operating	HTH	213	HTH	20,21* 283,659A 8,79*	19,48* 298,893A 9,52*	582,552A
				HTH	189,000B	187,167B	376,167B
16	Kohala Hospital—Hospital Care Operating	HTH	214	HTH	19,40* 235,960A 7,30*	19,70* 243,362A 7,30*	479,322A
				HTH	235,000B	233,384B	468,384B

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				C	D	E	C	D	E	
17	Kona Hospital—Hospital Care Operating	HTH 215	HTH	72.91*	873,216A	38.09*	73.53*	951,880A	37.47*	1,825,096A
				866,000B	856,792B	1,722,792B				
18	Maui Memorial Hospital—Hospital Care Operating	HTH 221	HTH	88.87*	1,090,430A	181.63*	86.58*	1,238,732A	183.92*	2,329,162A
				3,558,980B	3,524,278B	7,083,258B				
				2,849,000C		2,849,000C				
19	Hana Medical Center—Hospital Care Operating	HTH 222	HTH	3.85*	140,889A	2.15*	3.93*	125,334A	2.07*	266,223A
				40,000B	39,455B	79,455B				
20	Lanai Community Hospital—Hospital Care Operating	HTH 241	HTH	11.85*	212,924A	5.65*	11.90*	231,658A	5.60*	444,582A
				114,000B	112,816B	226,816B				
21	Kauai Veterans Hospital—Hospital Care Operating	HTH 251	HTH	24.30*	749,038A	42.70*	27.00*	851,175A	45.00*	1,600,213A
				749,000B	739,271B	1,488,271B				
				1,975,000C		1,975,000C				
	Investment: Capital		AGS							

22	Maluhia Hospital—Hospital Care	HTH	301						
	Operating	HTH		64.50*	66.21*	891,619A	891,619A	1,698,292A	
				100.00*	98.29*				
		HTH		1,883,000B	1,862,691B			3,745,691B	
23	Leahi Hospital—Hospital Care	UOH	800						
	Operating	UOH		1,997,533A	2,015,207A			4,012,740A	
				328.00*	328.00*				
		UOH		2,673,287B	2,774,833B			5,448,120B	
24	Kula Sanatorium—Hospital Care	HTH	323						
	Operating	HTH		99.00*	101.00*				
				1,601,878A	1,650,242A			3,252,120A	
				85.00*	83.00*				
	Investment: Capital	HTH		1,067,500B	1,052,334B			2,119,834B	
		AGS		1,422,000C				1,422,000C	
25	Samuel Mahelona Hospital—Hospital Care	HTH	352						
	Operating	HTH		100.00*	106.00*				
				1,286,865A	1,469,504A			2,756,369A	
				33.00*	35.00*				
	Investment: Capital	HTH		693,000B	685,826B			1,378,826B	
		AGS		232,000C				232,000C	
26	MENTAL HEALTH Preventive Services for Mental Health	HTH	401						
	Operating	HTH		2.50*	2.50*			89,389A	
				44,189A	45,200A				
27	Routine Treatment Rehab Svcs for Mental H	HTH	420						
	Operating	HTH		311.00*	311.00*			9,460,374A	
				4,706,874A	4,753,500A				
				6.50*	6.50*				
	Investment: Capital	HTH		1,194,545N	1,207,273N			2,401,818N	
		AGS		1,709,000C				1,709,000C	
28	Emergent & Modrtly Intnsv Treat Svcs for	HTH	430						
	Operating	HTH		135.00*	135.00*			5,142,372A	
				2,533,926A	2,608,446A			247,534N	
				125,074N	122,460N			1,100,000C	
	Investment: Capital	AGS		1,100,000C					

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					C D E	C D E			
29	DOH—Highly Intensv Treat Svcs for MH Operating	HTH	440	HTH	109,50*	1,287,383A	108,50*	1,314,671A	2,602,054A
30	General Support for Mental Health Data Collection for Mental Health	HTH	491	HTH	4,50*	50,418A	4,50*	50,099A	100,517A
31	Research and Analysis for Mental Health Operating	HTH	492	HTH	3,00*	65,313A	3,00*	60,866A	126,179A
32	Internship Training for Mental Health Operating	HTH	493	HTH	6,00*	117,627A	6,00*	119,303A	236,930A
33	Staff Development for Mental Health Operating	HTH	494	HTH	3,00*	55,108A	3,00*	55,684A	110,792A
				HTH	1,00*	1,00*	1,00*	27,238N	53,155N
34	General Administration for Mental Health Operating	HTH	495	HTH	139,00*	2,036,352A	139,00*	2,120,577A	4,156,929A
35	MENTAL RETARDATION Early Identification & Treatment for MR Operating	HTH	595	HTH	42,60*	977,698A	42,60*	1,020,390A	1,998,088A
				HTH	34,40*	655,853N	34,40*	657,135N	1,312,988N

36	Community Based Svcs for Mentally Retard	HTH	501						
	Operating	HTH		30,00*	30,00*	446,448A	446,448A	882,965A	
		HTH		36,00*	36,00*	504,217N	504,217N	998,737N	
	Investment: Capital	AGS		25,000C	25,000C			25,000C	
37	Waimano Training School and Hospital	HTH	511						
	Operating	HTH		466,00*	466,00*	5,425,181A	5,444,962A	10,870,143A	
		HTH		21,00*	21,00*	329,221N	337,346N	666,567N	
	Investment: Capital	AGS		890,000C	890,000C			890,000C	
38	General Support for Mental Retardation General Adm for Mental Retardation	HTH	594						
	Operating	HTH		12,00*	12,00*	166,112A	166,979A	333,091A	
		HTH		6,00*	6,00*	93,377N	95,645N	189,022N	
39	COMMUNITY HEALTH SERVICES Vector Control	HTH	601						
	Operating	HTH		87,00*	87,00*	1,038,748A	1,038,748A	2,069,668A	
		HTH		6,000T	6,000T	19,072X	19,072X	12,000T	
		HTH		18,268X	18,268X			37,340X	
40	Narcotics and Dangerous Drugs Control	HTH	611						
	Operating	HTH		6,00*	6,00*	91,831A	93,295A	185,126A	
		HTH		1,00*	1,00*	14,994N	14,994N	29,988N	
41	Drinking Water Quality	HTH	621						
	Operating	HTH		1,00*	1,00*	16,883A	15,846A	32,729A	
42	Public Sanitation	HTH	631						
	Operating	HTH		57,00*	57,00*	841,806A	858,287A	1,700,093A	

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					C O D E	FY 1975-1976	C O D E	FY 1976-1977	
43	Air Conditioning and Fumigation Control Operating	HTH	641	HTH	1.00*	19,546A	1.00*	20,248A	39,794A
44	MEDICAL STANDARDS SETTING & ENFORCEMENT Med Facility Sids, Inspection & Licensin Operating	HTH	701	HTH	4.00*	73,457A	4.00*	74,759A	148,216A
						10.50*		10.50*	
						224,189N		229,037N	453,226N
45	OVERALL PROGRAM SUPPORT FOR HEALTH Laboratory Services for Health Operating	HTH	901	HTH	46.50*	664,308A	48.50*	716,316A	1,380,624A
						8.00*		6.00*	
						158,785N		131,154N	289,939N
46	Public Health Nursing Services Operating	HTH	902	HTH	123.00*	1,722,531A	126.00*	1,818,445A	3,540,976A
						7.00*		4.00*	
						97,383N		48,590N	145,973N
47	Health Education Operating	HTH	908	HTH	16.00*	333,674A	16.00*	317,132A	650,806A
						1.00*		1.00*	
						11,551N		12,122N	23,673N
48	Records and Data Collection for Health Operating	HTH	903	HTH	21.00*	211,683A	21.00*	213,696A	425,379A



49	Research and Analysis for Health Operating	HTH	904	HTH	15.00* 282,928A 2.00* 27,000N	16.00* 290,211A 2.00* 27,000N	573,139A 54,000N
50	Overall Prg Planning, Eval & Budgeting for Prog Planning, Eval & Budgeting for Health Operating	HTH	905	HTH	6.00* 95,951A	6.00* 101,729A	197,680A
51	Comprehensive Health Planning Operating	HTH	906	HTH	2.00* 67,332A 14.00* 280,244N	2.00* 68,976A 14.00* 294,774N	136,308A 575,018N
52	Department of Health-Administration Operating	HTH	907	HTH	96.00* 1,690,609A 9.00* 251,517B 3.00* 36,847N 165,000C	96.00* 1,825,160A 9.00* 260,134B 3.00* 39,079N C	3,515,769A 511,651B 75,926N 165,000C
53	Private Hosp & Strong-Carter Dental Clin Investment: Capital Operating	SUB	601	AGS	275,000A	275,000A	550,000A
54	Emergency Medical and Health Services Operating	HTH	910	HTH	3.00* 127,663A 4.00* 170,244N	3.00* 190,682A 7.00* 120,645N	318,345A 290,889N

Item No.	Program	Program ID	Exp. No.	Exp. Agy.	APPROPRIATIONS					Total C Biennium 1975-1977 E
					FY 1975-1976 E	C O D E	FY 1976-1977 E	C O D E		
<b>F. SOCIAL PROBLEMS</b>										
<b>ALLEVIATION OF INDIVIDUAL AND GROUP</b>										
<b>PROB</b>										
1	Assistance to Families and/or Children School-Age Native Hawaiians Operating	HHL 601	HHL		125,000A 10.55* 438,475B	C O D E	125,000A 10.55* 447,319B	C O D E	250,000A 885,794B	
2	Child Abuse and Neglect Operating	SOC 102	SOC		8.13* 159,093A 10.11* 212,756N	C O D E	8.01* 163,062A 10.23* 215,434N	C O D E	322,155A 428,190N	
3	Child Day Care Operating	SOC 103	SOC		1.75* 1,115,121A 4.30* 1,912,582N	C O D E	1.75* 1,240,004A 4.30* 3,277,217N	C O D E	2,355,125A 5,189,799N	
4	Adoption Operating	SOC 104	SOC		1.06* 18,198A 2.71* 45,157N	C O D E	1.06* 18,305A 2.71* 45,568N	C O D E	36,503A 90,725N	
5	Foster Care Operating	SOC 105	SOC		9.47* 489,800A 25.86* 666,363N	C O D E	9.47* 541,890A 25.86* 694,675N	C O D E	1,031,690A 1,361,038N	

6	Family Discord	SOC	106						
	Operating	SOC		15,33*	13,75*	213,304A	425,291A		
				211,987A	213,304A	21,49*	638,444N		
				19,91*	318,962N				
				319,482N					
7	Unmarried Parents	SOC	107						
	Operating	SOC		3,67*	3,67*	48,994A	100,863A		
				51,869A	48,994A	4,81*	150,521N		
				4,81*	76,953N				
				73,568N					
8	Homemaker Services	SOC	108						
	Operating	SOC		9,06*	9,06*	66,862A	133,354A		
				66,492A	66,862A	9,59*	174,844N		
				9,59*	87,856N				
				86,988N					
9	Self-Support for Welfare Recipients	SOC	110						
	Operating	SOC		5,13*	5,13*	151,877A	299,995A		
				148,118A	151,877A	18,00*	548,208N		
				18,00*	277,384N				
				270,824N					
10	Assistance to Individual Adults Veterans Benefits and Services	SOC	122						
	Operating	SOC		4,00*	4,00*	59,451A	118,579A		
				59,128A					
11	Foster Grandparents	SOC	123						
	Operating	SOC		1,00*	1,00*	72,434A	141,582A		
				69,148A	72,434A	2,00*	269,448N		
				2,00*	136,909N				
				132,539N					
12	Adult Personal Adjustment	SOC	124						
	Operating	SOC		10,21*	10,21*	142,998A	285,105A		
				142,107A	142,998A	16,65*	452,503N		
				16,65*	226,527N				
				225,976N					

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				FY 1975-1976 E	FY 1976-1977 E	C O D E	
13	Adult Family Boarding Home Operating	SOC 125	SOC	1.79* 26,619A 1.97* 28,986N	1.79* 26,404A 1.97* 29,216N	53,023A 58,202N	
14	Day Care for the Elderly and Disabled Operating	SOC 126	SOC	.22* 114,277A .78* 237,017N	.22* 111,094A .78* 260,476N	225,371A 497,493N	
15	General Support—Public Welfare Adm Operating	SOC 131	SOC	15.20* 111,504A 34.78* 120,988N	15.20* 111,375A 34.78* 121,413N	222,879A 242,401N	
16	ASSURED STANDARD OF LIVING Monetary Assistance for General Needs Payments to Assist Families with Depndnt Operating	SOC 201	SOC	30,033,031A 28,855,265N	32,248,435A 30,983,791N	62,281,466A 59,839,056N	
17	Payments to Assist the Aged, Blind & Disa Operating	SOC 202	SOC	4,351,923A	4,565,555A	8,917,478A	
18	Payments to Assist in Child Welfr & Fostr Operating	SOC 203	SOC	926,341A	970,850A	1,897,191A	
19	Other General Assistance Payments Operating	SOC 204	SOC	18,430,935A	19,850,001A	38,280,936A	
20	Housing Assistance Housing Payments and Loans Rent Supplement Payments Operating	SOC 211	SOC	12.00* 996,900A	12.00* 1,096,900A	2,093,800A	

21	Housing Loans to Low & Middle Income Per Operating	SOC	212	SOC	7.00*	206,777B	8.00*	249,853B	456,630B
22	Housing Loans to Native Hawaiians	HHL	611	HHL	27.65*	565,031B	27.65*	583,368B	1,148,399B
	Operating Investment: Capital	HHL		HHL	20,603,000C		C		20,603,000C
23	B&F—Housing Loans and Grants to Veterans	BUF	806	BUF	2.00*	1,460,135B	2.00*	1,009,130B	2,469,265B
24	DSSH—Housing Loans and Grants to Veteran	SOC	806	SOC	43,460A			46,068A	89,528A
25	Housing Augmentation and Home Ownership Rental Housing Augmentation	SOC	221	SOC	229.00*	7,158,818B	229.00*	7,471,931B	14,630,749B
26	Private Housing Augmentation	SOC	222	SOC	15.00*	386,917B	17.00*	478,795B	865,712B
	Operating Investment: Capital	AGS		AGS	300,000B		B		300,000B
27	Broadened Homesite Ownership	SOC	223	SOC	1.00*	24,765A	1.00*	24,922A	49,687A
	Operating	SOC		SOC					
28	Health Care Assistance	SOC	231	SOC	9,440,987A			10,360,165A	19,801,152A
	DSSH—Professional Health Services	SOC		SOC	7,346,853N			8,098,906N	15,445,759N
	Operating	SOC		SOC					
29	Dept of Health—Professional Health Servi	HTH	802	HTH	36.50*	1,290,954A	36.50*	1,331,848A	2,622,802A
	Operating	HTH		HTH	49.00*			49.00*	
		HTH		HTH	825,025N			848,380N	1,673,405N
30	DSSH—Hosp & Hth Care Facilities Room & Operating	SOC	232	SOC	17,632,986A			19,437,971A	37,070,957A
		SOC		SOC	14,426,988N			15,903,794N	30,330,782N

APPROPRIATIONS

Program ID

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					C	D	C	D	
31	DOH—Hosp & Hth Care Facilities Room & Operating	HTH	882	HTH HTH	187,251A 90,798N	187,401A 103,743N	374,652A 194,541N		
32	DSSH—Drugs, Prosthetics and Appliances Operating	SOC	233	SOC SOC	1,659,575A 1,357,934N	1,829,456A 1,496,828N	3,489,031A 2,854,762N		
33	DOH—Drugs, Prosthetics and Appliances Operating	HTH	803	HTH HTH	11,222A 19,364N	11,433A 20,737N	22,655A 40,301N		
34	Other Related Health Costs Operating	SOC	234	SOC SOC	1,363,223A 1,115,364N	1,502,767A 1,229,538N	2,865,990A 2,344,902N		
35	General Administration—Health Care Operating	SOC	235	SOC	2.75* 770,600A	2.75* 805,246A	1,575,846A		
36	Veterans Cemeteries and Burial Payments Operating	SUB	806	SOC HTH	472,479N 26,250A	492,631N 26,250A	965,110N 52,500A		
37	General Support for Assured Std of Livin DSSH—Eligibility Determination Operating	SOC	236	SOC SOC	234.67* 2,515,318A 118.23*	240.19* 2,548,619A 121.71*	5,063,937A 1,775,407N		

38	DSSH—Public Welfare Administration	SOC	237		8.05*	8.05*	
	Operating	SOC		153,485A	153,914A	307,399A	
		SOC		81,864N	82,569N	164,433N	
39	DSSH—Disability Determination	SOC	238		52.00*	52.00*	
	Operating	SOC		1,288,542N	1,334,369N	2,622,911N	

OVERALL GENERAL SUPPORT FOR SOCIAL PROBL

40	Hawaii Office of Economic Opportunity	GOV	863		636,079A	672,978A	1,309,057A
	Operating	GOV		7.00*	7.00*	262,196N	
		GOV		131,098N	131,098N		
41	Progressive Neighborhoods Program	GOV	862		4.00*	4.00*	
	Operating	GOV		1,957,526A	2,165,746A	4,123,272A	
		GOV		64,497N	66,624N	131,121N	
42	Commission on Children and Youth	GOV	861		6.00*	6.00*	
	Operating	GOV		120,166A	90,034A	210,200A	
43	Commission on Employment of Handicapped	GOV	802		1.75*	1.75*	
	Operating	GOV		29,009A	30,919A	59,928A	
44	Commission on Aging	BUF	602		1.00*	1.00*	
	Operating	BUF		616,464A	584,978A	1,201,442A	
		BUF		3,00*	3,00*		
		BUF		1,352,670N	1,356,004N	2,708,674N	
45	Commission Drug Abuse & Contrlrld Substan	GOV	866		.40*	.40*	
	Operating	GOV		11,250A	11,250A	22,500A	
		GOV		9,60*	9,60*	1,723,780N	
		GOV		861,890N	861,890N		

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				D	E	D	E	
46	General Administration Operating	SOC 901	SOC	58.92*	1,394,581A	58.92*	1,032,794A	2,427,375A
				25.68*	487,757N	25.68*	479,793N	967,550N
47	Staf Development Operating	SOC 902	SOC	.91*	25,653A	.91*	22,114A	47,767A
				3.09*	164,875N	3.09*	173,487N	338,362N

G. FORMAL EDUCATION

LOWER EDUCATION

Regular Instruction  
Elementary

1		EDN 102		4,102.00*	53,409,489A	4,091.00*	55,269,688A	108,679,177A
				11,000,000N	12,380,000C	11,000,000N	11,000,000N	22,000,000N
								12,380,000C

Operating

Investment: Capital

Intermediate

2		EDN 103		1,116.50*	17,109,096A	1,112.50*	17,669,866A	34,778,962A
				927,000C		927,000C		927,000C

Operating

Investment: Capital

High

3		EDN 104		2,240.50*	35,620,830A	2,246.50*	36,650,481A	72,271,311A
				10,000B	870,870N	10,000B	899,312N	20,000B
				8,991,000C		8,991,000C		1,770,182N
								8,991,000C

Investment: Capital



4	Special Programs Special Education	EDN 201	550.00* 8,344,226A 412,108N	575.00* 8,785,714A 412,108N	17,129,940A 824,216N
	Operating				
5	Compensatory Education	EDN 202	103.00* 3,014,354A 7,627,457N	108.00* 3,748,567A 8,161,748N	6,762,921A 15,789,205N
	Operating				
6	Instructional Support Instructional Media	EDN 301	292.50* 6,264,462A 382,331N 1,666,000C	295.50* 6,537,141A 381,074N C	12,801,603A 763,405N 1,666,000C
	Operating				
	Investment: Capital				
7	Curriculum Services	EDN 302	92.50* 2,729,290A 21,464B 1,283,874N	93.50* 2,793,110A 22,242B 1,310,408N	5,522,400A 43,706B 2,594,282N
	Operating				
8	Student Services Counseling	EDN 401	222.00* 3,393,174A	259.00* 3,880,448A	7,273,622A
	Operating				
9	Student Activities Operating	EDN 402	95,722A	87,550A	183,272A
10	Athletics Operating	EDN 403	502,698A 1,004,000C	489,023A C	991,721A 1,004,000C
	Investment: Capital				
11	Psychological & School Social Work Svcs	EDN 404	132.00* 2,198,729A	132.00* 2,026,428A	4,225,157A
	Operating				
12	School Health Services	HTH 871	13.00* 912,793A	13.00* 913,447A	1,826,240A
	Operating				

APPROPRIATIONS

Program ID

Item No.	Program	Org.	No.	Exp. Agy.	FY 1975-1976		FY 1976-1977		Total Biennium 1975-1977		
					D E	E	D E	E	D E	E	
13	School Food Services	EDN	405	EDN	192.50*	7,530,630A	192.50*	7,690,439A	15,221,069A		
					Operating	712.50*		712.50*			
					Investment: Capital	11,362,369B	12,196,140B	23,558,709B			
14	Student Transportation	AGS	808	AGS	190,449N	3,696,000C	206,326N	3,696,000C			
					Operating	6.00*	6.00*	8,018,891A	14,683,166A		
15	Institutional Support Executive Direction	EDN	501	EDN	44.00*	498,197A	44.00*	498,245A	996,442A		
					Operating	338,795N	336,269N	675,064N			
16	Planning, Analysis and Budgeting	EDN	502	EDN	44.00*	959,383A	44.00*	1,033,625A	1,993,008A		
					Operating						
17	General Administrative Services	EDN	503	EDN	63.00*	1,139,875A	63.00*	1,206,981A	2,346,856A		
					Operating	9,488N	9,811N	19,299N			
18	Business & Financial Operations	EDN	504	EDN	47.00*	743,358A	47.00*	765,943A	1,509,301A		
					Operating	28,553N	30,060N	58,613N			
19	Physical Plant Operation & Maintenance—	EDN	505	EDN	928.60*	11,919,039A	943.60*	12,434,448A	24,353,487A		
					Operating						

20	Physical Plant Operation & Maintenance—	AGS	807						
	Operating	AGS		218.00*	218.00*	8,826,904A	8,826,904A	17,367,834A	
21	District Administration	EDN	506						
	Operating	EDN		182.00*	182.00*	3,484,556A	3,675,485A	7,160,041A	20,000N
		EDN		10,000N	10,000N				
22	School Administration	EDN	507						
	Operating	EDN		817.00*	834.00*	14,304,269A	14,304,269A	27,856,650A	941,000C
	Investment: Capital	AGS		941,000C	941,000C				
23	Teacher Housing	SOC	807						
	Operating	SOC		12.00*	11.00*	226,488B	221,901B	448,389B	
24	Public Service	EDN	601						
	Adult Education	EDN		22.00*	22.00*	1,363,875A	1,535,184A	2,899,059A	
	Operating	EDN		1.00*	1.00*	724,980B	792,806B	1,517,786B	
		EDN		1.00*	1.00*	364,523N	387,370N	751,893N	
25	Public Libraries	EDN	602						
	Operating	EDN		406.45*	411.95*	6,153,097A	6,344,548A	12,497,645A	
	Investment: Capital	AGS		598,000C	598,000C				
		AGS		48,644N	36,556N			85,200N	
26	HIGHER EDUCATION	UOH	101						
	University of Hawaii, Manoa	UOH		1,516.59*	1,525.59*	28,326,861A	29,688,578A	58,015,439A	
	Instruction—UOH, Manoa	UOH		25.83*	25.83*	3,395,000B	3,462,000B	6,857,000B	
	Operating	UOH		7.15*	7.15*				
	Investment: Capital	AGS		1,259,266N	869,945N			2,129,211N	4,107,000C
		AGS		4,107,000C	4,107,000C				

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			FY O	FY D	FY E	C	FY O	FY D	FY E	C			
27	Organized Research—UOH, Manoa Operating	UOH	419.82*	8,949,845A	3.00*	419.82*	8,937,070A	3.00*	419.82*	8,937,070A	3.00*	17,886,915A	
			148,231B	34.42*	158,298B	34.42*	306,529B						
			739,715N	34.42*	739,715N	34.42*	1,479,430N						
			2,828,000C	34.42*	2,828,000C	34.42*	2,828,000C						
28	Public Service—UOH, Manoa Operating	UOH	105.31*	2,206,213A	11.00*	105.31*	2,182,265A	11.00*	105.31*	2,182,265A	11.00*	4,388,478A	
			884,145B	43.64*	917,121B	43.64*	1,801,266B						
			798,649N	43.64*	798,649N	43.64*	1,597,298N						
			398.32*	7,240,021A	10.00*	398.32*	7,536,617A	10.00*	14,776,638A				
29	Academic Support—UOH, Manoa Operating	UOH	398.32*	7,240,021A	10.00*	398.32*	7,536,617A	10.00*	398.32*	7,536,617A	10.00*	14,776,638A	
			386,106B	45,945N	398,587B	48,702N	784,693B						
			1,200,000C	48,702N	1,200,000C	48,702N	94,647N						
			106.50*	1,887,021A	21.50*	106.50*	1,964,487A	21.50*	1,200,000C				
30	Student Services—UOH, Manoa Operating	UOH	106.50*	1,887,021A	21.50*	106.50*	1,964,487A	21.50*	106.50*	1,964,487A	21.50*	3,851,508A	
			323,151B	464,000N	310,188B	480,000N	633,339B						
			21.50*	21.50*	21.50*	21.50*	944,000N						
			1,609,000X	1,732,000X	1,609,000X	1,732,000X	3,341,000X						

31	Institutional Support—UOH, Manoa	UOH	106	417.00*	440.00*	8,701,253A	8,554,744A	17,255,997A
	Operating	UOH		13.00*	13.00*			
	Investment: Capital	UOH		353,558B	374,396B			727,954B
	University of Hawaii, Hilo	AGS		950,000C	C			950,000C
32	Instruction—UOH, Hilo	UOH	201	131.00*	155.00*			
	Operating	UOH		2,247,000A	2,700,000A			4,947,000A
	Investment: Capital	UOH		175,000B	185,000B			360,000B
	Public Service—UOH, Hilo	AGS		2,123,000C	C			2,123,000C
33	Operating	UOH	203	35,915B	39,506B			75,421B
34	Academic Support—UOH, Hilo	UOH	204	21.00*	26.00*			
	Operating	UOH		466,000A	512,000A			978,000A
	Investment: Capital	UOH		5.00*	6.00*			
	Student Services—UOH, Hilo	AGS		83,000B	89,000B			172,000B
35	Operating	UOH	205	3,340,000C	C			3,340,000C
	Investment: Capital	UOH		12.50*	12.50*			
	Student Services—UOH, Hilo	UOH		277,112A	273,660A			550,772A
	Operating	UOH		70,000N	70,000N			140,000N
	Investment: Capital	AGS		6,024,000E	E			6,024,000E
36	Institutional Support—UOH, Hilo	UOH	206	21.00*	22.00*			
	Operating	UOH		514,000A	539,000A			1,053,000A
	Investment: Capital	UOH		6,500B	8,000B			14,500B
	Operating	AGS		750,000C	C			750,000C
	Investment: Capital	AGS		565,000E	E			565,000E
37	Honolulu Community College	UOH	301	118.00*	126.00*			
	Instruction—Honolulu Community College	UOH		1,818,309A	2,041,190A			3,859,499A
	Operating	UOH		80,000B	81,000B			161,000B
	Investment: Capital	UOH		100,000N	100,000N			200,000N
	Operating	AGS		3,204,000C	C			3,204,000C
	Investment: Capital	AGS						

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				FY C	O D	E	FY C	O D	E	FY C	O D	E		
38	Public Service—Honolulu Community College Operating	UOH 302	UOH	9,00*	366,129A			9,00*	408,344A				774,473A	
39	Academic Support—Honolulu Community Col Operating	UOH 303	UOH	24,00*	350,754A			28,00*	399,032A				749,786A	
40	Student Services—Honolulu Community Col Operating	UOH 304	UOH	18,00*	297,479A			20,00*	357,489A				654,968A	
41	Institutional Support—Honolulu CC Operating	UOH 305	UOH	27,00*	200,000N			32,00*	200,000N				400,000N	
				565,540A				646,718A					1,212,258A	
	Investment: Capital			50,000B				60,000B					110,000B	
				340,000C									340,000C	
				188,000E									188,000E	
42	Kapiolani Community College Instruction—Kapiolani Community College Operating	UOH 311	UOH	97,00*	1,979,266A			109,00*	2,347,787A				4,327,053A	
43	Public Service—Kapiolani Community Colle Operating	UOH 312	UOH	75,000N				75,000N					150,000N	
44	Academic Support—Kapiolani Community Col Operating	UOH 313	UOH	5,000A				12,000A					17,000A	
45	Student Services—Kapiolani Community Col Operating	UOH 314	UOH	17,00*	326,122A			17,00*	417,926A				744,048A	
				16,00*				17,00*					641,810A	
				312,573A				329,237A					125,000N	
				60,000N				65,000N						

46	Institutional Support—Kapiolani CC	UOH	315						
	Operating	UOH		25.00*	26.00*	638,000A	1,208,338A		
				570,338A	3.00*	192,224B	371,491B		
	Investment: Capital	AGS		3,208,000C			3,208,000C		
47	Leeward Community College								
	Instruction—Leeward Community College	UOH	321						
	Operating	UOH		152.50*	153.50*	2,633,009A	5,141,535A		
				2,508,526A	2.00*	203,675B	397,187B		
	Investment: Capital	AGS		996,000C		40,000N	80,000N		
				996,000C			996,000C		
48	Public Service—Leeward Community College	UOH	322						
	Operating	UOH		4.00*	5.00*	98,690A	198,530A		
		UOH		99,840A		21,000B	40,000B		
49	Academic Support—Leeward Community College	UOH	323						
	Operating	UOH		25.00*	25.00*	462,413A	891,301A		
				428,888A					
50	Student Services—Leeward Community College	UOH	324						
	Operating	UOH		29.00*	29.00*	476,988A	934,646A		
		UOH		457,658A		100,000N	200,000N		
51	Institutional Support—Leeward CC	UOH	325						
	Operating	UOH		45.50*	45.50*	861,000A	1,701,000A		
				840,000A					
52	Windward Community College								
	Instruction—Windward Community College	UOH	331						
	Operating	UOH		38.00*	42.00*	799,718A	1,486,107A		
				686,389A					
53	Public Service—Windward Community College	UOH	332						
	Operating	UOH		2.00*	2.00*	49,600A	93,339A		
				43,739A					

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				FY 1975-1976	FY 1976-1977	FY 1977 E	FY 1977 D	FY 1977 C	
54	Academic Support—Windward Community Coll	UOH 333	UOH	11.00* 227,316A	13.00* 278,357A			505,673A	
55	Operating		UOH	8.00*	8.00*			359,886A	
	Student Services—Windward Community Coll	UOH 334	UOH	172,770A 60,400N	187,116A 70,000N			130,400N	
56	Operating		UOH	13.50* 233,214A	13.50* 245,913A			479,127A	
	Institutional Support—Windward CC	UOH 335	UOH	1.00* 25,000B	1.00* 30,000B			55,000B	
57	Investment: Capital		AGS	2,840,000C				2,840,000C	
	Hawaii Community College								
58	Operating		UOH	62.00* 1,112,000A	69.00* 1,244,000A			2,356,000A	
	Investment: Capital		UOH	160,000N	160,000N			320,000N	
59	Operating		AGS	1,218,000C				1,218,000C	
	Public Service—Hawaii Community College	UOH 402	UOH	39,000A	38,000A			77,000A	
60	Operating		UOH	13.00* 220,000A	14.00* 239,000A			459,000A	
	Academic Support—Hawaii Community Coll	UOH 403	UOH	5.50* 99,031A	6.50* 113,732A			212,763A	
60	Operating		UOH	1.00* 19,000B	1.00* 20,000B			39,000B	
	Student Services—Hawaii Community Coll	UOH 404	UOH	30,000N	30,000N			60,000N	



61	Institutional Support—Hawaii CC Operating	UOH 405	UOH	12.00* 219,500A	13.00* 216,230A	435,730A
62	Maui Community College Instruction—Maui Community College Operating	UOH 501	UOH UOH	57.00* 975,981A 50,000N	57.00* 1,020,014A 50,000N	1,995,995A 100,000N
63	Public Service—Maui Community College Operating	UOH 502	UOH UOH	.50* 41,000A 5,000B	.50* 44,000A 6,000B	85,000A 11,000B
64	Academic Support—Maui Community College Operating	UOH 503	UOH	12.00* 225,346A	12.00* 237,484A	462,830A
65	Student Services—Maui Community College Operating	UOH 504	UOH	8.50* 147,575A 2,00*	8.50* 152,618A 2,00*	300,193A
	Investment: Capital		AGS	39,091B 48,000N 1,180,000E	44,091B 54,000N E	83,182B 102,000N 1,180,000E
66	Institutional Support—Maui Community Col Operating	UOH 505	UOH	18.00* 401,000A 5,00*	18.00* 415,000A 5,00*	816,000A
	Investment: Capital		AGS	44,527B 340,000C	46,325B C	90,852B 340,000C
67	Kauai Community College Instruction—Kauai Community College Operating	UOH 601	UOH UOH UOH	46.00* 646,000A 7,000B	50.00* 699,000A 7,000B	1,345,000A 14,000B 60,000N
	Investment: Capital		AGS	1,429,000C	C	1,429,000C

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				C	D	E	C	D	E	C	D
68	Public Service—Kauai Community College	UOH 602	UOH AGS	1.00*	22,000A	23,000A	1.00*	23,000A	45,000A		
					35,000C				35,000C		
69	Academic Support—Kauai Community College	UOH 603	UOH AGS	11.00*	238,000A	280,000A	14.00*	280,000A	518,000A		
					448,000C				448,000C		
70	Student Services—Kauai Community College	UOH 604	UOH AGS	7.00*	137,682A	151,400A	8.00*	151,400A	289,082A		
					36,000N	36,000N		36,000N	72,000N		
					1,630,000E	1,630,000E			1,630,000E		
71	Institutional Support—Kauai CC	UOH 605	UOH AGS	13.50*	309,604A	426,290A	22.00*	426,290A	735,894A		
					4,000B	4,000B		4,000B	8,000B		
					1,373,000C	1,373,000C			1,373,000C		
72	University Of Hawaii System-Wide Support	Academic Support—UOH, System-Wide Suppor	UOH 901	30.00*	1,360,995A	1,559,970A	35.00*	1,559,970A	2,920,965A		
					350,000T	350,000T		350,000T	700,000T		
73	Institutional Sppt—UOH, System-Wide Sp	UOH 903	UOH AGS	194.50*	3,629,145A	3,848,115A	197.50*	3,848,115A	7,477,260A		
					42.50*	40.50*		40.50*	81.00*		
					1,327,000N	1,380,000N		1,380,000N	2,707,000N		
				250,000C	250,000C			250,000C			

74	Student Loans Operating	BUF	807	BUF	20,000A	20,000A	40,000A
75	Western Interstate Commission for Higher Operating	GOV	807	GOV	281,000A	320,500A	601,500A
76	West Oahu College Instruction—West Oahu College	UOH	701				
	Operating			UOH	15.00*	39.00*	904,000A
	Investment: Capital			AGS	236,000A	668,000A	100,000C
77	Academic Support—West Oahu College	UOH	704				
	Operating			UOH	7.00*	11.00*	573,000A
78	Student Services—West Oahu College	UOH	705				
	Operating			UOH	3.00*	6.00*	148,000A
				UOH	49,000A	99,000A	60,000N
79	Institutional Support—West Oahu College	UOH	706				
	Operating			UOH	11.00*	18.00*	545,000A
	Investment: Capital			UOH	212,000A	333,000A	15,000B
				AGS	5,000B	10,000B	100,000C
					100,000C		
<b>H. CULTURE AND RECREATION</b>							
<b>CULTURAL ACTIVITIES</b>							
Collections, Historical Sites and Studies							
1	Cultural History	BUF	802				
	Operating			BUF	2.00*	2.00*	125,502A
				BUF	59,776A	65,726A	10,000X
					5,000X	5,000X	
2	Hawaii Public Television	REG	701				
	Operating			REG	26.00*	26.00*	1,485,163A
				REG	761,438A	723,725A	405,684B
					202,842B	202,842B	

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				C D E	C D E	C D E		
3	LNR—Historical & Archaeological Places	LNR 801		18,30*	21,30*	21,30*		462,709A
	Operating Investment: Capital		LNR	215,778A	246,931A			2,090,000C
4	DEF—Historical Places	DEF 808						
	Operating		DEF	5,860A	5,860A			11,720A
5	Aquaria	UOH 881						
	Operating		UOH	11,00*	11,00*			350,000A
6	Other Natural Features	LNR 803						
	Operating		LNR	7,25*	7,25*			181,446A
7	Cultural and Artistic Events							
	Performing & Visual Arts Events	BUF 881						
	Operating		BUF	5,00*	7,00*			1,080,796A
			BUF	538,694A	542,102A			725,000N
			BUF	350,000N	375,000N			52,000R
8	Ethnic Group Presentations	AGS 818						
	Operating		AGS	25,000A	25,000A			50,000A
9	Recreational Activities							
	Outdoor Activities							
	Inland-Based Activities	LNR 804						
	Operating		LNR	78,37*	77,07*			2,528,770A
			LNR	1,351,612A	1,177,158A			210,499B
			LNR	7,53*	7,83*			350,148N
			LNR	104,936B	105,563B			1,538,000C
			LNR	11,85*	12,85*			
			LNR	174,604N	175,544N			
	Investment: Capital		LNR	1,538,000C				

10	DOT-Ocean-Based Activities	TRN	801						
	Operating	TRN		30.50*	30.50*	1,483,618B	1,481,994B	2,965,612B	
	Investment: Capital	TRN				2,529,000D		2,529,000D	
11	LNR—Ocean-Based Activities	LNR	805						
	Operating	LNR		46.02*	46.02*	687,427A	736,008A	1,423,435A	
	Investment: Capital	LNR		2.28*	2.28*	48,160N	54,081N	102,241N	
		LNR				2,446,000C		2,446,000C	
12	Spectator Events and Shows	BUF	889						
	Operating	BUF		367,902A	367,902A	34,00*	55,399A	423,301A	
	Investment: Capital	BUF		978,000B	978,000B	1,160,675B	1,160,675B	2,138,675B	
		AGS		1,593,000C	1,593,000C			1,593,000C	
13	OVERALL PROGRAM SUPPORT FOR CULTURE & RE	PED	808						
	PED—Planning & Analysis for Culture & Rec	PED		1.00*	1.00*	18,212A	18,535A	36,747A	
	Operating	PED		2.00*	2.00*	3,000,000N	3,000,000N	6,000,000N	
14	LNR—General Admin for Culture and Recrea	LNR	809						
	Operating	LNR		1.95*	1.95*	55,966A	45,418A	101,384A	
	<b>I. PUBLIC SAFETY</b>								
	<b>SAFETY FROM CRIMINAL ACTIONS</b>								
1	Confinement	SOC	401						
	Juvenile Correctional Facilities	SOC		69.00*	69.00*	1,163,821A	1,131,854A	2,295,675A	
2	Hawaii State Prison	SOC	402						
	Operating	SOC		198.00*	198.00*	3,460,344A	3,507,511A	6,967,855A	
	Investment: Capital	SOC		121,977B	121,977B	107,782B	107,782B	229,759B	
		AGS		3,508,000C	3,508,000C			3,508,000C	

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			Exp. Agy.	FY 1975-1976	FY 1976-1977	Total Biennium 1975-1977						
3	Adult Honor Camps	SOC 403	SOC	36.00*	800,991A	36.00*	804,605A	1,605,596A				
4	In-Community Facilities	SOC 404	SOC	15.00*	235,799A	15.00*	229,724A	465,523A				
5	Adult Community Correctional Facilities	SOC 405	SOC	25.00*	287,800A	26.00*	331,320A	619,120A				
	Interim Hawaii Comm Corr Fac	SOC 405	AGS	119,000C				119,000C				
6	Interim Maui Comm Corr Fac	SOC 406	SOC	19.13*	312,187A	20.13*	381,049A	693,236A				
7	Interim Oahu Comm Corr Fac	SOC 407	SOC	107.50*	1,838,321A	107.50*	1,934,934A	3,773,255A				
	Operating Investment: Capital	SOC 407	AGS	3,555,000C				3,555,000C				
8	Social Rehabilitation of Confined Adults	UOH 859	UOH	9.00*	168,793A	9.00*	177,276A	346,069A				
	Operating	UOH 859	UOH	34,027N			34,027N	68,054N				
9	Parole Supervision and Counseling	SOC 411	SOC	2.00*	51,679A	2.00*	51,679A	103,358A				
	Adult Parole Determinations	SOC 411	SOC	19.50*	277,543A	19.50*	275,470A	553,013A				
10	Adult Parole Supervision and Counseling	SOC 413	SOC									
	Operating	SOC 413	SOC									

11	Criminal Injuries Compensation	SOC	414			2.00*	2.00*	84,414A	
	Operating	SOC				43,707A	40,707A		
	General Support—Criminal Action								
	Crime Prev, Detect, & Apprehen Support S								
12	Criminal Data and Crime Statistics	ATG	191			8.00*	8.00*	197,780A	
	Operating	ATG				98,290A	99,490A		
13	Confinement & Parole Supporting Services								
	General Adm—Confinement & Parole	SOC	493			14.00*	14.00*	597,526A	
	Operating	SOC				301,909A	295,617A		
14	Criminal Justice Planning & Prg Implemetat	GOV	893			3.30*	3.90*	761,653A	
	Operating	GOV				370,298A	391,355A		
		GOV				7.70*	7.10*	5,924,530N	
		GOV				2,962,470N	2,962,060N		
15	General Administration—Criminal Action	SOC	990			20.67*	20.67*	662,053A	
	Operating	SOC				326,763A	335,290A	470,430N	
		SOC				150,000N	320,430N		
SAFETY FROM PHYSICAL DISASTERS									
Natural Disasters									
16	Prevention of Natural Disasters	LNR	810			3.00*	3.00*	156,669A	
	Operating	LNR				76,087A	80,582A	1,685,000C	
	Investment: Capital	LNR				1,685,000C	C		
Man-Made Disasters									
17	Prevention of Man-Made Disasters	DEF	111			42.50*	42.50*	1,404,846A	
	Operating	DEF				700,668A	704,178A	337,986N	
		DEF				9.00*	9.00*	244,000C	
	Investment: Capital	AGS				164,993N	172,993N	198,000N	
		AGS				244,000C	C		
		AGS				198,000N	N		

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				C D E	C D E	C D E		
18	Amelioration of Man-Made Disasters Operating	DEF 112	DEF	7.50*	7.50*	7.50*	7.50*	438,558A
				238,801A	199,757A	10.50*	10.50*	
				243,657N	231,041N	C	C	474,698N
19	Supporting Services—Man-Made Disasters Operating	DEF 113	AGS AGS	33,000C	33,000N			33,000N
				50.00*	50.00*			
				589,481A	587,786A			1,177,267A
20	General Support—Physical Disasters Fire Marshal Services	REG 891	DEF DEF	84,000N	87,000N			171,000N
				2.00*	2.00*			
				34,937A	34,163A			69,100A
<b>J. INDIVIDUAL RIGHTS</b>								
<b>PROTECTION OF THE CONSUMER</b>								
Testing & Certification of Consumer Good								
1	DOH Foods & Drugs—Testing & Certificat	HTH 651	HTH	7.00*	102,262A	7.00*	108,597A	210,859A
				28.00*	424,431A	28.00*	435,403A	859,834A
2	Dept of Agriculture—Testing & Certificat	AGR 810	AGR	28.00*	500,608N	28.00*	520,082N	1,020,690N
				28.00*		28.00*		
3	Regulation of Services Communication, Utilities, & Transportatn S	REG 103	REG REG	34.00*	781,699A	34.00*	694,918A	1,476,617A
				108,836X	111,389X			220,225X



4	Banking Services	REG	104	REG	21.00*	21.00*	759,432A
	Operating			REG	379,591A	379,841A	
5	Insurance Services	REG	106	REG	29.00*	29.00*	1,035,627A
	Operating			REG	526,847A	508,780A	
6	Professional, Vocational & Personal Service	REG	105	REG	45.00*	45.00*	1,702,399A
	Operating			REG	883,995A	818,404A	
7	Enforcement of Fair Business Practices Business Registration	REG	111	REG	12.00*	12.00*	330,772A
	Operating			REG	176,639A	154,133A	
8	Weights & Measures	AGR	812	AGR	20.00*	20.00*	641,465A
	Operating			AGR	325,646A	315,819A	
9	Offc of Consumer Prot—Adv & Terms of S	GOV	110	GOV	23.00*	23.00*	790,997A
	Operating			GOV	390,724A	400,273A	
10	General Support—Protection of the Consum	REG	191	REG	29.00*	26.00*	958,720A
	Operating			REG	579,685A	379,035A	
ADMINISTRATIVE REDRESS OF GRIEVANCES							
11	Agency Appeals Boards Tax Appeals Board Operating	TAX	106	TAX	9.070A	9.070A	18,140A
12	Labor & Industrial Relations Appeals Board	LBR	812	LBR	8.00*	8.00*	399,334A
	Operating			LBR	199,321A	200,013A	
13	Welfare Appeals Board	SOC	811	SOC	1.10*	1.10*	24,273A
	Operating			SOC	12,260A	12,013A	
				SOC	.90*	.90*	30,893N
				SOC	15,604N	15,289N	

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				C	D	C	D	
<b>LEGAL &amp; JUDICIAL PROT OF RIGHTS-- CIVIL</b>								
14	Legal Assistance to Individuals Assistance in Criminal Actions	GOV 821	GOV	48.00*	1,021,815A	57.00*	1,123,058A	2,144,873A
15	Operating Legal Action in the Public Interest	ATG 111	ATG	3.50*	79,105A	3.50*	83,060A	162,165A
16	Adjudication of Civil Cases Ofc of Sheriff--Pre-Trial Svcs--Civl	ATG 121	ATG	3.00*	33,807A	3.00*	32,787A	66,594A
17	Operating Conveyances and Recordings	LNR 111	LNR	45.00*	609,575A	45.00*	589,972A	1,199,547A
18	Gen Sup--Leg and Jud Protec of Rights--Civ Commission on the Status of Women	BUF 888	BUF	2.00*	31,991A	2.00*	32,933A	64,924A
<b>K. GOVERNMENT-WIDE SUPPORT EXEC DIRECTN, COORD, &amp; POLICY DEVELOPMEN</b>								
1	Office of the Governor	GOV 100	GOV	32.00*	1,019,825A	32.00*	1,023,362A	2,043,187A
	Operating Investment: Capital		AGS	3,000,000C				3,000,000C
2	Office of the Lieutenant Governor	LTG 100	LTG	21.00*	745,150A	21.00*	1,120,358A	1,865,508A
	Operating							

3	BUF—Prg Planng, Analysis & Budgeting	BUF	101	84.00*	84.00*	84.00*	84.00*	3,662,614A
	Operating	BUF		1,967,639A	1,967,639A	1,694,975A	1,694,975A	
				4.00*	4.00*	4.00*	4.00*	
4	PED—Planning & Analysis	BUF	211	85,000B	85,000B	86,000B	86,000B	171,000B
	Operating	PED		6.00*	6.00*	6.00*	6.00*	
		PED		97,957A	97,957A	99,525A	99,525A	197,482A
5	Policy Development and Coordination							
	Land Use, Physical Plan and Coordination	PED	101	40.00*	40.00*	40.00*	40.00*	
	Operating	PED		873,894A	873,894A	889,712A	889,712A	1,763,606A
	Investment: Capital	PED		350,000C	350,000C	350,000C	350,000C	350,000C
		PED		700,000N	700,000N	700,000N	700,000N	700,000N
6	GOV-OTH Policy Development & Coordinatio	GOV	102	11.00*	11.00*	11.00*	11.00*	
	Operating	GOV		543,688A	543,688A	358,071A	358,071A	901,759A
		GOV		25,000N	25,000N	25,000N	25,000N	50,000N
7	DPED—Other Policy Development	PED	201	6.00*	6.00*	6.00*	6.00*	
	Operating	PED		105,167A	105,167A	108,133A	108,133A	213,300A
8	FISCAL MANAGEMENT							
	Revenue Collection	TAX	101	112.67*	112.67*	113.67*	113.67*	
	Property Tax Assessment	TAX		1,616,923A	1,616,923A	1,608,266A	1,608,266A	3,225,189A
	Operating	TAX		166.67*	166.67*	167.67*	167.67*	
9	Income Assessment and Audit	TAX	102	2,322,169A	2,322,169A	2,289,166A	2,289,166A	4,611,335A
	Operating	TAX						
10	Tax Collection	TAX	103	77.66*	77.66*	78.66*	78.66*	
	Operating	TAX		1,071,842A	1,071,842A	997,585A	997,585A	2,069,427A
11	Supporting Services—Revenue Collection	TAX	104	61.00*	61.00*	61.00*	61.00*	
	Operating	TAX		1,533,860A	1,533,860A	1,450,251A	1,450,251A	2,984,111A

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			FY 1975-1976	FY 1976-1977	FY 1976-1977	FY 1977-1978	
12	Fiscal Procedures and Control Acct System Development & Maintenance	AGS	167,772A	170,141A	9.00*	9.00*	337,913A
13	Operating Expenditure Examination	AGS	20,00*	338,670A	21,00*		665,945A
14	Operating Recording and Reporting	AGS	12,00*	193,360A	12,00*		385,473A
15	Operating Internal Post Audit	AGS	12,00*	271,307A	12,00*		546,469A
16	Cash and Debt Management Cash and Other Assets Management	BUF	14,00*	207,611A	14,00*		412,417A
17	Operating Public Debt Service	BUF	27,500X	27,500X			55,000X
18	GENERAL SERVICES Legal Services	ATG	90,128,917A	98,159,141A			188,288,058A
19	Operating Electronic Data Processing Services	ATG	66,50*	1,580,004A	66,50*		3,099,572A
	Operating Electronic Data Processing Services	BUF	11,00*	294,010X	11,00*		574,018X
	Operating Electronic Data Processing Services	BUF	190,20*	4,794,007A	208,20*		9,329,953A
	Operating Electronic Data Processing Services	BUF	4,535,946A	16,80*	16,80*		665,850X
	Operating Electronic Data Processing Services	BUF	655,850X	665,850X			1,321,700X

20	Records Management	AGS	111		21.00*	23.00*	544,291A
	Operating			AGS	257,822A	286,469A	
21	Personnel Services	PER	101		20.00*	20.00*	670,370A
	Work Force Attraction and Selection			PER	330,640A	339,730A	
22	Operating	PER	111		17.00*	17.00*	527,321A
	Classification			PER	258,291A	269,030A	
23	Employee Compensation	PER	112		2.00*	2.00*	72,951A
	Operating			PER	35,420A	37,531A	
24	Work Force Effectiveness	PER	121		25.00*	25.00*	866,822A
	Operating			PER	433,615A	433,207A	
25	Collective Bargaining Services	PER	131		4.00*	4.00*	160,450A
	Operating			PER	79,554A	80,896A	
26	Supporting Services—Personnel Services	PER	191		9.00*	9.00*	410,702A
	Operating			PER	203,834A	206,868A	
27	Employee Fringe Benefit Administration Retirement	BUF	141		22.15*	22.15*	96,691,246A
	Operating			BUF	47,909,033A	48,782,213A	
				BUF	7.85*	7.85*	336,826S
				BUF	168,223S	168,603S	
28	Group Life Insurance, Med, Hosp & Dntl Bn	BUF	142		9.00*	9.00*	15,420,624A
	Operating			BUF	7,340,237A	8,080,387A	
				BUF	3,076,640B	3,356,106B	6,432,746B

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			Exp. Agy.	FY 1975-1976	FY 1976-1977	Total Biennium 1975-1977							
29	Property Management Public Lands Management	LNR 101		28.00*	28.00*	28.00*	28.00*	28.00*	28.00*	28.00*	28.00*	28.00*	28.00*
	Operating	LNR	LNR	518,721A	491,707A	491,707A	491,707A	491,707A	491,707A	491,707A	491,707A	491,707A	491,707A
	Investment: Capital	LNR	LNR	2,570,000C									2,570,000C
		LNR	LNR	245,000D									245,000D
30	Personal Property Management	AGS 202		1.00*	1.00*	1.00*	1.00*	1.00*	1.00*	1.00*	1.00*	1.00*	1.00*
	Operating	AGS	AGS	17,270A	17,120A	17,120A	17,120A	17,120A	17,120A	17,120A	17,120A	17,120A	34,390A
31	Insurance Management	AGS 203		1,377,310A	1,449,930A	1,449,930A	1,449,930A	1,449,930A	1,449,930A	1,449,930A	1,449,930A	1,449,930A	2,827,240A
	Operating	AGS	AGS	327,064X	342,720X	342,720X	342,720X	342,720X	342,720X	342,720X	342,720X	342,720X	669,784X
32	Land Survey	AGS 211		30.00*	30.00*	30.00*	30.00*	30.00*	30.00*	30.00*	30.00*	30.00*	30.00*
	Operating	AGS	AGS	483,946A	477,065A	477,065A	477,065A	477,065A	477,065A	477,065A	477,065A	477,065A	961,011A
33	Facilities Construction and Maintenance	AGS 221		20.00*	20.00*	20.00*	20.00*	20.00*	20.00*	20.00*	20.00*	20.00*	20.00*
	Construction	AGS	AGS	342,335A	346,266A	346,266A	346,266A	346,266A	346,266A	346,266A	346,266A	346,266A	688,601A
	Operating	AGS	AGS	6,194,000C									6,194,000C
	Investment: Capital	AGS	AGS										
34	Custodial Services	AGS 231		138.50*	141.50*	141.50*	141.50*	141.50*	141.50*	141.50*	141.50*	141.50*	141.50*
	Operating	AGS	AGS	2,778,697A	3,031,123A	3,031,123A	3,031,123A	3,031,123A	3,031,123A	3,031,123A	3,031,123A	3,031,123A	5,809,820A
	Investment: Capital	AGS	AGS	168,000X	172,000X	172,000X	172,000X	172,000X	172,000X	172,000X	172,000X	172,000X	340,000X
35	Grounds Maintenance	AGS 232		35.00*	35.00*	35.00*	35.00*	35.00*	35.00*	35.00*	35.00*	35.00*	35.00*
	Operating	AGS	AGS	358,807A	345,316A	345,316A	345,316A	345,316A	345,316A	345,316A	345,316A	345,316A	704,123A
36	Building Repairs and Alterations	AGS 233		23.00*	23.00*	23.00*	23.00*	23.00*	23.00*	23.00*	23.00*	23.00*	23.00*
	Operating	AGS	AGS	1,465,604A	1,148,313A	1,148,313A	1,148,313A	1,148,313A	1,148,313A	1,148,313A	1,148,313A	1,148,313A	2,613,917A

37	Purchasing and Supplies Central Purchasing Operating	AGS	241	AGS	13,00*	13,00*	178,423A 7,300X	175,748A 7,300X	354,171A 14,600X
38	Federal Surplus Property Management Operating	AGS	242	AGS	7,00*	7,00*	111,990X	114,588X	226,578X
39	State Surplus Property Management Operating	AGS	243	AGS	6,304X	6,489X			12,793X
40	Motor Pool Operating	AGS	251	AGS	119,000A 8,50*	A 8,50*	224,785X	230,379X	119,000A 455,164X
41	Parking Control Operating	AGS	252	AGS	12,50*	12,50*	287,962X	285,624X	573,586X
42	Telephone Operating	AGS	261	AGS	9,00*	9,00*	889,993A 163,000X	915,601A 164,000X	1,805,594A 327,000X
43	Mail Operating	AGS	262	AGS	5,00*	5,00*	44,855A	34,344A	79,199A
44	Capitol Building Security Operating	ATG	801	ATG	26,00*	26,00*	340,204A	339,343A	679,547A
45	Other State Buildings Security Operating	AGS	301	AGS	10,00*	10,00*	86,894A	87,786A	174,680A
46	General Adm Svcs—Accounting & General Sv Operating	AGS	901	AGS	34,00*	34,00*	581,119A	535,609A	1,116,728A
47	Subsidies to Counties Grants in Aid to Counties Operating	SUB	101	LNR	19,447,551A	19,447,551A			38,895,102A

**PART III. PROGRAM APPROPRIATION PROVISIONS**

**ECONOMIC DEVELOPMENT**

SECTION 4. (a) Provided, that in the Services Development and Marketing-Tourism Program (PED 113), the expending agency shall not engage in tourism promotion other than by contract or contracts not exceeding the total amount of \$1,799,000 in State funds for fiscal year 1975-76 and \$1,883,000 for fiscal year 1976-77.

SECTION 5. Provided, that for the Irrigation Services For Agriculture program (LNR 161), the general fund appropriation shall be reduced to the extent that special fund revenues exceed the amounts contained in this Act.

SECTION 6. Provided, that the sum of \$4,500 provided for Kona Coffee inspection in the Agriculture-Distribution Systems Improvement Program (AGR 151) shall be contingent on industry meeting not less than twenty per cent of the total inspectional cost through assessment of appropriate coffee inspection fees.

**TRANSPORTATION FACILITIES**

**Air Transportation Facilities and Services Support**

SECTION 7. Provided, that any provision of law to the contrary notwithstanding, not more than \$75,000 of the special fund appropriation to General Administration for Air Transportation Facilities and Services (TRN 293), shall be expended for the civil air patrol; and provided, further, that not less than \$3,000 shall be allocated to each civil air patrol unit outside the City and County of Honolulu.

SECTION 8. Any law or any provision to the contrary notwithstanding, the Governor may supplement funds for any early-phased cost element (design or land) for a capitol improvement project authorized under Part IV of this Act by transferring such sums as may be needed from the funds appropriated for later-phased cost elements (land or construction) for the same project authorized by the legislature in this Act or in a prior year or which may be authorized by the legislature in the future, provided that the total expenditure of funds for all cost elements for the project shall not exceed the total appropriations for that project.

**ENVIRONMENTAL PROTECTION**

**Pollution Control**

SECTION 9. Provided that of the general fund appropriation for the Noise Program (HTH 845) the sum of \$153,386 (5.00) for the 1975-77 biennium shall be used for the prevention, control, and abatement of excessive noise in this State, as set forth in Sec. 342-41, 342-42, and 342-43, HRS, and rules and regulation adopted pursuant thereto.

**Natural Physical Environment**

SECTION 10. Provided, that the sum of \$150,000 in general fund appropriation authorized for each fiscal year of the 1975-1977 biennium in the



Inland Waters Program (LNR 404) for the continuation of the Water Resources Planning Program shall be allotted only to the extent federal matching funds are made available for this purpose.

## HEALTH

### Physical Health

SECTION 11. Provided, that any other law to the contrary notwithstanding, the Department of Health, under the Prevention and Detection of other Communicable Diseases (HTH 131) and its Child Health Conferences (HTH 902) shall offer preventive services, including immunizations, to children zero to six without regard to their income or income of their family.

### County/State Hospitals

SECTION 12. Provided, that if special funds in the amount authorized in Part II of this Act for the Department of Health County/State hospital system are not realized, then the difference between the amounts authorized and the amounts actually realized shall be augmented by general funds.

### Mental Health

SECTION 13. Provided that out of the general fund appropriated for HTH 420 the sum of \$12,132 (1.00) for fiscal year 1975-76 and \$12,752 (1.00) for the fiscal year 1976-77 shall be used to retain the social worker position for the Children's Health Team at the West Hawaii Mental Health Clinic. Provided further, that the remaining balance of funds appropriated shall be used for current expenses and equipment for the Hawaii County Children's Team.

SECTION 14. Provided, that the appropriations for Hawaii State Hospital authorized in the Emergent and Moderately Intense Treatment Program (HTH 430) and the Highly Intensive Treatment Services Program (HTH 440) are intended for an average daily inpatient population of 250 for the biennium 1975-77.

### Mental Retardation

SECTION 15. Provided, that the appropriation for Waimano Training School and Hospital (HTH 511) is intended for an average daily ward population for 700 for fiscal year 1975-76 and 685 for fiscal year 1976-77.

## SOCIAL PROBLEMS

### Assistance to Families and/or Children

SECTION 16. Provided, that the sum of \$904,066 in general fund appropriation authorized for the 1975-77 biennium in the Child Day Care Program (SOC 103) shall be allocated in the following manner: Family Service Center—\$170,400; Waianae Coast Day Care Center—\$160,852; Kalihi YMCA—Play Plus—\$68,946; University of Hawaii Research Demonstration Center—\$140,000; Moiliili Community Center—\$55,120; Windward Child Care Federation—\$214,240; Family Service—Infant Center—\$35,766; Koolau-

loa Parent Child Center—\$15,600; Operation Kokua—\$25,570; and, Project Keiki, Hilo—\$17,472.

Monetary Assistance for General Needs

SECTION 17. Provided, that the appropriation for payments for indigents is intended for average monthly caseloads of: Aid to Families with Dependent Children (SOC 201)—14,999 cases for fiscal year 1975-76 and 15,317 cases for fiscal year 1976-77; Child Welfare Foster Case (SOC 203)—550 cases for fiscal year 1975-76 and 550 cases for fiscal year 1976-77; and General Assistance (SOC 204)—7,544 cases for fiscal year 1975-76 and 7,847 cases for fiscal year 1976-77.

Health Care Assistance

SECTION 18. Provided, that the appropriation for medical payments for indigents and medical indigents (SOC 231, SOC 232, SOC 233 and SOC 234) is intended for the following: inpatient care—21,369 patients for fiscal year 1975-76 and 21,954 patients for fiscal year 1976-77 (average length of stay of 7.1 days per patient); extended facility care—2,428 patients for fiscal year 1975-76 and 2,495 patients for fiscal year 1976-77 (average length of stay of 256 days per patient); and outpatient care—103,932 patients for fiscal year 1975-76 and 106,776 patients for fiscal year 1976-77 (average of 4.0 visits per patient).

Child Support Unit

SECTION 19. Provided, that of the newly authorized positions for Eligibility Determination of the Department of Social Services and Housing (SOC 236), 6.0 positions shall be for a child support unit as required by Part D, Title IV, of Public Law 92-647.

Overall General Support for Social Problems

SECTION 20. Provided, that the sum of \$1,155,919 in general fund appropriation authorized for the Hawaii Office of Economic Opportunity (GOV 863) for the 1975-77 biennium may be advanced by the Director of Finance for the purposes of making advances subject to federal reimbursements to implement authorized projects, or to provide matching money for projects in the areas of health, education, housing, social welfare or employment.

SECTION 21. Provided, that the Legal Aid Society shall submit a budget report to the 1976 Legislature which shall include future program priorities, target group projections and anticipated levels of effectiveness. Provided, further, that fiscal year 1975-76 operating expenditure details and identification of other revenue sources for the same year, and a six year expenditure plan shall also be submitted.

SECTION 22. Provided, that the sum of up to \$89,600 in fiscal year 1975-76 and the sum of up to \$96,565 in fiscal year 1976-77 from the appropriation for Progressive Neighborhoods (GOV 862) may be used to contract with the Welfare Recipient Advisory Council.

SECTION 23. Provided, that the sum of \$67,908 in fiscal year 1975-76

and the sum of \$73,814 in fiscal year 1976-77 from the appropriation for Commission on Aging (BUF 602) shall be used for continuation of the free education program for the aged enrolled in the adult education program of department of education.

SECTION 24. Provided, that the appropriation for General Administration (SOC 901) includes funding for an additional deputy director's position.

### LOWER EDUCATION

SECTION 25. Provided, that for the biennium 1975-77 the School Health Services Project shall be expanded to include all elementary public schools in the State of Hawaii; provided further, the school health services project shall be expanded to 51 additional elementary schools; provided further that by fiscal year 1976-77 the project shall be expanded to include all public elementary schools in the state.

SECTION 26. Provided, that of the general fund appropriation for Executive Direction (EDN 501) \$218,642 (32.0) for the fiscal year 1975-76 and \$222,311 (32.0) for the fiscal year 1976-77 shall be used with the approval of the Governor to establish and fund positions in the Department that were authorized in fiscal year 1974-75 and included in the Governor's 1975-77 budget but not otherwise funded by this act; provided further that the establishment and funding of such positions shall be reported to the President of the Senate and the Speaker of the House of Representatives on a quarterly basis.

SECTION 27. Provided, that for the school years 1975-76 and 1976-77 all vice-principal positions which were assigned to a school during the school year 1974-75 shall remain at said school.

SECTION 28. Provided, that the seven Team Operation Program teacher positions shall be transferred to the statewide Comprehensive School Alienation Program (EDN 202).

SECTION 29. Provided, that the appropriations for Elementary (EDN 102), Intermediate (EDN 103) and High (EDN 104) are intended for student enrollment projections of 176,161 for fiscal year 1975-76 and 175,534 for fiscal year 1976-77.

SECTION 30. Provided that all of the appropriated counselor positions are allocated to the elementary schools (K-6) in EDN 102.

SECTION 31. Provided that present and future 3 on 2 teachers shall be allowed to elect to be part of the program; provided further that the Department shall maintain the number of 3 on 2 teachers at 485.

SECTION 32. Provided, that if S.B. No. 591 (1975) is not enacted by the Eighth Legislature, Regular Session 1975, then the sum of \$395,000 shall be appropriated to the Department of Education, (EDN 104) to support the driver education program; provided further, that of the sum appropriated, \$165,000 shall be for fiscal year 1975-76, \$230,000 shall be for fiscal year 1976-77.

SECTION 33. Provided, that if a sum less than \$11,000,000 is received

by the Department of Education for each fiscal year of the 1975-77 biennium under Public Law 874, or any other public law which amends or supersedes Public Law 874, then the difference between \$11,000,000 and the sum received shall be appropriated to the Department of Education; provided, further, that if a sum greater than \$11,000,000 is received then the appropriation to the Department of Education shall be reduced to the extent the estimated sum of \$11,000,000 is exceeded for each fiscal year of the 1975-77 biennium.

SECTION 34. Provided, that the appropriation for Compensatory Education (EDN 202) shall include funds for the fiscal biennium 1975-77, except item (8), for the following purposes:

- (1) Olomana School—\$470,920;
- (2) Storefront School—\$55,000;
- (3) Kailua Learning Center—\$97,095;
- (4) Maui District—\$164,315;
- (5) Hawaii District, Hilo—\$185,322;
- (6) Hawaii District, Kona—\$120,704;
- (7) Ohana Project—\$33,000;
- (8) Hawaii Bound Project—\$80,000 for fiscal year 1975-76;
- (9) PASS (Kauai Alternative)—\$42,180;
- (10) Interest Curriculum (Nanakuli Intermediate and High School)—\$37,357
- (11) Learning Center (Nanakuli Intermediate and High School)—\$33,387
- (12) Molokai Garage—\$40,500;
- (13) Individual Education—\$75,000.

SECTION 35. Provided, that for the Hawaii Curriculum Center (EDN 302) the State may advance general funds subject to reimbursement by federal funds.

SECTION 36. Provided that the general fund appropriation for School Food Services (EDN 405) shall be expended only to the extent necessary to defray costs of operating public school cafeterias in excess of the moneys received from the sale of meals, the sale of services, the federal government, and from any other sources.

## HIGHER EDUCATION

SECTION 37. Provided, that if federal funds in the amounts designated under the Morrill-Nelson Bankhead-Jones Act, Hatch Act, and Smith-Lever Act are not received, then the difference between the amounts designated and the amounts received is hereby appropriated to Instruction—UOH, Manoa (UOH 101), Organized Research—UOH, Manoa (UOH 102), and Public Service—UOH, Manoa (UOH 103), respectively; provided, further, that if the federal funds received exceed the amounts designated, then the general fund appropriation for Instruction—UOH, Manoa (UOH 101), Organized Research—UOH, Manoa (UOH 102), and Public Service—UOH, Manoa (UOH 103), respectively, shall be reduced by the amount such receipts exceed the sum estimated.

SECTION 38. Provided, that in the Manoa instruction program (UOH 101), the University shall utilize lectureship funds to provide an additional 100 sections of English composition per year or so much thereof as may be necessary to eliminate the current student requirement backlog.

SECTION 39. Provided, that the University of Hawaii shall actively seek extramural funding for the Hawaii Open Program before seeking State funding. Provided, further that the general fund appropriation shall be reduced to the extent that unanticipated extramural funds become available for this purpose.

SECTION 40. Provided, that the University of Hawaii shall actively seek federal funds for (2) clerical positions in the School of Nursing, Instruction—UOH, Manoa (UOH 101) before general funds are made available for the support of these positions. Provided, further that the general fund appropriation shall be reduced to the extent that unanticipated extramural funds become available for this purpose.

SECTION 41. Provided, that the Governor is authorized to establish five permanent or temporary positions during each fiscal year of the 1975-77 biennium to be allocated by him to the University of Hawaii to provide administrative overhead services required to support federal funded research and training contracts or grants; provided, further, that the full costs of such positions shall be recovered through indirect cost reimbursement received from the federal government which shall be deposited in the general fund.

SECTION 42. Provided, that the Director of Finance may advance funds to the University of Hawaii when required to meet reimbursable costs incurred in connection with federally financed research and training projects.

SECTION 43. Provided, that the appropriation for Organized Research (UOH 102) includes \$88,400 (4) to the HAES for fiscal year 1975-76 and \$71,500 (5) for fiscal year 1976-77 for pesticide research.

SECTION 44. Provided, that for the Manoa Institutional Support Program (UOH 106), \$21,050 (3.5) for FY 1975-76 and \$22,103 (3.5) for FY 1976-77 shall be used to provide clerical support to the Office of Admissions and Records.

SECTION 45. Provided, that of the appropriation for Academic Support (UOH 204), \$35,000 shall be used in fiscal year 1975-76 for:

- (1) a position for a Specialist III, Area Coordinator for Kona,
- (2) a position for a Specialist III, Area Coordinator for Kamuela/Kohala/Honokaa, and
- (3) current expenses and equipment.

Provided, further, that for the fiscal year 1976-77, \$15,000 shall be used for:

- (1) a position for clerical support, and
- (2) current expenses and equipment.

SECTION 46. Provided, that of the general fund appropriation for Institutional Support—UOH, Manoa (UOH 106) the sum of \$773,580 (43.00)

for the fiscal year 1975-76 and \$1,060,849 (67.00) for the fiscal year 1976-77 shall be used to meet increased workload in custodial services and shall not be used for any other purpose.

SECTION 47. Provided, that the general fund appropriation for the Systemwide Support—Institutional Support (UOH 903) includes \$15,000 for 1975-76 and \$15,000 for 1976-77 to be expended at the discretion of the President of the University of Hawaii.

SECTION 48. Provided, that of the sum appropriated for Systemwide Institutional Support (UOH 903) \$42,500 (2.00) for FY 1975-76 and \$42,500 (2.00) for FY 1976-77 shall be used to provide for planning, demonstration and evaluation projects for the Pan Pacific Education and Communication Experiments Satellite. The University of Hawaii may contract for services when carrying on projects in cooperation with international and other jurisdictions in the Pacific Basin.

SECTION 49. Provided that the appropriation for the medical school is based on an enrollment of 274 students, which enrollment figure shall not be exceeded during the fiscal biennium.

SECTION 50. The Chancellor of the Manoa campus is authorized to transfer vacant positions from one college, division, bureau or office to another provided that no position shall be redescribed and provided further that transfers authorized by this section shall not be made from one program identification number to another.

SECTION 51. Provided that the appropriation for the law school is based on an enrollment of 222 students including at least ten pre-admissions program students for the 1975-76 fiscal year and 230 students including at least ten pre-admissions program students, for the 1976-77 fiscal year, which enrollment figures shall not be exceeded during the fiscal biennium.

## CULTURE AND RECREATION

SECTION 52. Provided, that \$25,000 in general funds in fiscal year 1975-76 and \$27,000 in general funds in fiscal year 1976-77 from the appropriation for Cultural History (BUF 802) shall be expended for the Hawaii Review Board.

SECTION 53. Provided, that the sum of \$12,704 in general funds in fiscal year 1975-76 and \$12,704 in fiscal year 1976-77 from the appropriation for Performing of Visual Arts Events (BUF 881) shall be expended to supplement personal services costs for proposed Program Specialist. Provided, further that the sum of \$5,507 in general funds in fiscal year 1975-76 and \$5,507 in fiscal year 1976-77 from the appropriation for Performing and Visual Arts Events (BUF 881) shall be expended for inter-island travel costs.

SECTION 54. Provided, that the sum of \$31,500 in general fund appropriation authorized for each fiscal year of the 1975-77 biennium in the Performing of Visual Arts Events Program (BUF 881) shall be allocated in the following manner:

Philippine Heritage Council—\$22,750; Statewide Music Workshops Program—\$8,000; National Pen Women's Club—\$250; Hawaii Film Board—\$1,500

SECTION 55. Provided, that the sum of \$252,500 in general fund appropriation authorized for each fiscal year of the 1975-77 biennium in the Performing of Visual Arts Events Program (BUF 881) shall be allocated in the following manner:

Honolulu Symphony—\$37,500; Honolulu Youth Symphony—\$25,000; Waianae Coast Arts Council, Inc.—\$60,000; Kalihi-Palama Arts Council, Inc.—\$60,000; Ensemble Players Guild—\$10,000; Hawaii Performing Arts Co.—\$25,000. Provided, further that \$85,000 in fiscal year 1975-76 and \$35,000 in fiscal year 1976-77 shall be expended by the Honolulu Theatre for Youth.

SECTION 56. Provided, that \$40,000 in general funds in fiscal year 1975-76 and \$40,000 in general funds in fiscal year 1976-77 from the appropriation for Performing of Visual Arts Events (BUF 881) shall be expended for the Ethnic Studies Program at the University of Hawaii.

SECTION 57. Provided, that the sum of \$50,000 appropriated for the biennium to the Kamehameha Day Celebration in the Ethnic Group presentations program (AGS 818) shall be allocated in the following manner in each fiscal year: City and County of Honolulu—\$12,500; County of Hawaii—\$6,000; County of Kauai—\$3,000; and County of Maui—\$3,500.

## **PUBLIC SAFETY**

### **Criminal Action**

SECTION 58. Provided, that \$36,740 (2.0) in fiscal year 1975-76 and \$33,252 (2.0) in fiscal year 1976-77 from the appropriation for the Juvenile Correctional Facilities program (SOC 401) may be transferred to the Vocational Rehabilitation program (SOC 802) in the Employment program area, upon approval by the Governor of a reorganization of juvenile parole supervision services.

SECTION 59. Provided, that \$110,255 in fiscal year 1975-76 and \$116,870 in fiscal year 1976-77 from the appropriation for Hawaii State Prison (SOC 402) shall be used to transport and care for felons transferred to mainland penitentiaries.

SECTION 60. Provided, that \$180,000 in fiscal year 1975-76 and \$175,000 in fiscal year 1976-77 from the appropriation for the Interim Oahu Community Correctional Facility program (SOC 407) shall be used to reimburse the City and County of Honolulu for payment of interest and principal on bonds issued for the facility.

### **Confinement**

SECTION 61. Provided, that of the appropriation for Juvenile Correctional Facilities (SOC 401) for the fiscal year 1975-76: \$32,352 shall be used to re-initiate the farm program through the contracting of two herdsmen on a fee for service basis and to contract with private agencies to supplement the

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farm program; \$16,000 shall be used to contract the services of a carpenter and a sewing instructor on a fee basis at \$8,000 per instructor; and \$5,000 shall be used to employ an institutional recreational therapist on a fee basis.

Provided, further, the Department of Social Services and Housing shall plan, in-house, for the expansion and implementation of the Foster Home, Group for Adolescents, and After Care Planning Programs and report on the plans to the 1976 Regular Session of the legislature.

SECTION 62. Provided, that of the general fund appropriation made for the Hawaii State Prison (SOC 402), \$32,280 (2.0) for the fiscal year 1975-76 and \$33,816 (2.0) for the fiscal year 1976-77 shall be used for two social workers and related costs to implement the home visitation and furlough program.

Provided, further, that of the appropriation made for the Hawaii State Prison (SOC 402), \$6,000 for each year of the fiscal biennium shall be used to contract for services necessary to augment health-related needs of inmates, including services of an obstetrics-gynecology physician.

Provided, further, that the Department of Social Services and Housing shall plan for the expansion of the correctional industries program in conjunction with the Hoomana School program and report on the program's progress to the 1976 Regular Session of the legislature.

SECTION 63. Provided, that of the general fund appropriation made for Adult Honor Camps (SOC 403), \$675 for each year of the fiscal biennium shall be used to provide inmates at the Kulani Honor Camp with expanded telephone services.

SECTION 64. Provided, that of the appropriation made for the Interim Hawaii Community Correctional Facility (SOC 405), \$10,606 for the fiscal year 1975-76 shall be used for a building maintenance position and other operating costs, and \$54,960 for the fiscal year 1976-77 shall be used for one position and additional staffing requirements and operating costs for relocation of the state program into the new Hawaii Intake Service Center/Community Correctional Center.

SECTION 65. Provided, that of the appropriation made for the Interim Maui Community Correctional Facility (SOC 406), \$55,318 for the fiscal year 1976-77 shall be used for one position and additional staffing requirements and operating costs for relocation of the state program into the new Maui Intake Service Center/Community Correctional Center.

SECTION 66. Provided, that the sum of \$3,000 in fiscal year 1975-76 and the sum of \$3,000 in fiscal year 1976-77 from the appropriation for Adult Parole Determinations (SOC 411) shall be for subsistence at \$50.00 per day for intra-state travel of parole board members.

### Confinement and Parole Supporting Services

SECTION 67. Provided, that the appropriation for correctional facilities is intended for the following average daily resident population: Juvenile Correctional Facility (SOC 401)—population of 75 for the 1975-77 biennium, Ha-



waii State Prison (SOC 402)—population of 185 for the 1975–77 biennium, Adult Honor Camps (SOC 403)—population of 67 for fiscal year 1975–76 and 69 for fiscal year 1976–77, Interim Hawaii Community Correctional Facility (SOC 405)—population of 18 for fiscal year 1975–76 and 19 for fiscal year 1976–77, Interim Maui Community Correctional Facility (SOC 406)—population of 20 for the 1975–77 biennium, and Interim Oahu Community Correctional Facility (SOC 407)—population of 120 for the 1975–77 biennium.

SECTION 68. Provided, that of the appropriation made for General Administration—Confinement and Parole (SOC 493), \$37,837 (2.0) for the fiscal year 1975–76 and \$36,582 (2.0) for the fiscal year 1976–77 shall be used to plan and design a home visit and furlough program for expeditious implementation on a statewide basis and for other planning activities related to the corrections program.

Provided, further, that the Department of Social Services and Housing shall report on the progress of the home visit and furlough program to the 1976 Regular Session of the legislature.

#### Physical Hazards

SECTION 69. Provided, that if the Hawaii Army National Guard and the Hawaii Air National Guard shall be called or ordered into the service of the United States, the appropriations made in DEF—Prevention of Man-Made Disasters (DEF 111) or any part thereof remaining unexpended shall be available to the Hawaii State Guard. If only a part of the Hawaii Army National Guard or the Hawaii Air National Guard should be called or ordered into the service of the United States, the adjutant general with the approval of the director of finance shall allocate the appropriations in DEF 111 or any part thereof remaining unexpended between the Hawaii State Guard and the Hawaii National Guard.

### INDIVIDUAL RIGHTS

#### Protection of the Consumer

SECTION 70. Provided, that the sum of \$10,000 in fiscal year 1975–76 and the sum of \$10,000 in fiscal year 1976–77 from the appropriation for Professional, Vocational and Personal Services (REG 105) shall be used for the board of acupuncture.

SECTION 71. Provided, that \$88,176 in fiscal year 1975–76 in the Communication, Utilities, and Transportation Services Program (REG 103) shall be used to contract for temporary additional staff support services.

#### Legal Assistance to Individuals

SECTION 72. Provided, that of the general fund appropriation for Assistance in Criminal Actions (GOV 821), \$36,000 for the fiscal year 1975–76 shall be used to provide investigators to the neighbor islands on a contractual basis.

Provided, further, that the Office of the Public Defender and the Legal Aid Society shall coordinate their efforts in providing counsel to prison in-

mates during the period July 1, 1975 to June 30, 1976 and assist the Judiciary and the Hawaii Bar Association in the development of a permanent prisoner counseling program.

**GOVERNMENT-WIDE SUPPORT**

Executive Direction, Coordination, Policy Development

SECTION 73. Provided, that the appropriations for the Office of the Governor (GOV 100) shall be expended at the discretion of the Governor.

SECTION 74. Provided, that the appropriation for the Office of the Governor (GOV 100) includes the Governor's contingent fund, expenditures from which may be made with the approval of the Governor for urgent needs; a detailed accounting of all expenditures shall be submitted to the legislature 20 days prior to the regular session of the legislature convening in 1977.

SECTION 75. Provided, that the sum of \$7,500 in the Office of the Governor (GOV 100) shall be used to commission a portrait of the immediate past Governor.

Office of the Lieutenant Governor

SECTION 76. Provided, that of the general fund appropriation for the Office of the Lieutenant Governor (LTG 100), up to \$50,000 for the fiscal year 1975-76 shall be expended to examine the feasibility of updating, codifying, and centralizing all administrative rules and regulations.

SECTION 77. Provided, that of the general fund appropriation for the Office of the Lieutenant Governor (LTG 100) in the fiscal biennium 1975-77, \$123,000 may be expended for temporary or contractual services.

SECTION 78. Provided, that the appropriation for the Office of the Lieutenant Governor (LTG 100) shall be expended at the discretion of the Lieutenant Governor.

SECTION 79. There is appropriated the sum of \$351,700 in general funds for fiscal year 1975-76 to Program Planning, Analysis and Budgeting (BUF 101), for normal incremental or longevity increase for public officers and employees excluded from collective bargaining under Chapter 89, Hawaii Revised Statutes, who are covered by a salary or wage board schedule; provided that such incremental or longevity increase shall be provided to the same extent and manner as comparable members of collective bargaining units.

SECTION 80. Provided, that of the sum appropriated to Program Planning, Analysis, and Budgeting (BUF 101) the sum of \$278,032 (22) in general funds and \$35,000 (4) in special funds in fiscal year 1975-76 and \$288,228 (22) in general funds and \$36,000 (4) in special funds in fiscal year 1976-77 shall be used for security and support purposes. The above noted appropriations and positions shall be allotted by the director of finance to the appropriate State agencies. Funds appropriated by this section that have not been expended or encumbered by June 30 of each fiscal year shall lapse as of that date.

SECTION 81. Provided, that the sum of \$150,000 (5) in general fund appropriation authorized for each fiscal year of the 1975-77 biennium in the Other Policy Development & Coordination program (GOV 102) shall be expended to establish an Office of Public Employment Relations to assist the governor in negotiating with exclusive representatives of the respective bargaining units under Chapter 89, Hawaii Revised Statutes.

#### General Services

SECTION 82. Provided, that of the general fund appropriation authorized for Legal Services (ATG 101), \$25,000 in each fiscal year shall be used for the payment of tort claims arbitrated, compromised or settled for amounts not in excess of \$2,000. Provided, further, that of the general fund appropriation authorized for Legal Services (ATG 101), \$157,000 in each fiscal year shall be used for litigation purposes.

SECTION 83. Provided, that of the general fund appropriation for Legal Services (ATG 101), \$9,500 for the fiscal year 1975-76 and \$7,500 for the fiscal year 1976-77 shall be used to purchase additional publications to update and augment the law library of the Department of the Attorney General.

SECTION 84. Provided, that of the general fund appropriation for Legal Services (ATG 101), \$22,548 (1.0) for the fiscal year 1975-76 and \$23,688 (1.0) for the fiscal year 1976-77 shall be used to provide the Department of the Attorney General with the capability of sending at least one deputy attorney general to each of the neighbor islands on a regular basis to service the legal needs of the various state offices.

SECTION 85. Provided, that the Governor may transfer funds and personnel between existing programs of the State government for the purpose of establishing an integrated statewide data processing system.

SECTION 86. Provided, that the Board of Trustees of the Hawaii Public Employees' Health Fund program may use so much of the contributions appropriation under Group Life Insurance, Medical, Hospital, and Dental Benefits (BUF 142) as necessary to advance the amount of employee-beneficiaries monthly contributions to the fund, pending receipt of such contributions from employee-beneficiaries.

SECTION 87. Provided, that in Building Repairs and Maintenance (AGS 233) \$791,000 for fiscal year 1975-76 and \$455,000 for fiscal year 1976-77 shall be used for repairs and alterations for the State Capitol Building and \$85,000 in fiscal year 1975-76 shall be used for repairs and refurbishment of Washington Place. Provided, further, that the sum of \$18,184 in general fund appropriation authorized in fiscal year 1975-76 in the Building Repairs and Alterations Program (AGS 233) shall be expended for replacement of defective condenser and installation of three in-line fans on the Waikiki side air condition system in the State Capitol Building.

### PART IV. CAPITAL IMPROVEMENT PROJECTS

SECTION 88. CAPITAL IMPROVEMENT PROJECTS AUTHORIZED. The sums of money appropriated or authorized in Part II of this act

**ACT 195**

for capital investment shall be expended for the projects listed below. Several or more related or similar projects may be combined into a single project, if such combination is advantageous or convenient, for land acquisition, design and construction purposes, provided, that the total cost of the projects thus combined shall not exceed the total of the sum specified for the projects separately. (The amount after each cost element and the total funding for each project listed in this part are in thousands of dollars.)

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	APPROPRIATIONS (\$1,000's)			
				FY 1975-1976	FY 1976-1977	Total Biennium 1975-1977	C O D E
<b>A. ECONOMIC DEVELOPMENT</b>							
<b>TRANSPORTATION, COMMUNICATIONS AND UTILIT</b>							
1	South Kohala Water Project, Hawaii South Kohala Water Project, Hawaii Incremental development of water system, including plans and construction of source development, transmission mains, treatment plant and storage facilities.	G02	LNR 140				
	Land Acquisition			5		5	
	Design			30		30	
	Construction			315		315	
	Total Funding			350C		350C	
2	Kona Water Project, Hawaii Kona Water Project, Hawaii Incremental development of water system including plans and construction of source development, a development shaft, pumps and appurtenances, transmission mains, and storage facilities.	G03					
	Construction			1,470		1,470	
	Total Funding			1,470C		1,470C	
3	West Maui Water Project, Maui West Maui Water Project, Maui Incremental development of water systems, including plans and construction of source development, transmission mains, storage facilities and appurtenances, including development of water resources in Kahakuloa.	G04					

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	APPROPRIATIONS (\$1,000's)					Total Biennium 1975-1977		
				1975-1976	1976-1977						
			Org. No.	FY 1975-1976	FY 1976-1977	C	D	E	C	D	E
4	Land Acquisition				10						10
	Design				40						40
	Construction				700						700
	Total Funding				750C				C		750C
	Kau Water Project, Hawaii		G06								
	Kau Water Project, Hawaii										
	Incremental development of water system, including plans and construction of source development, pipelines and storage facilities including conducting agricultural water study for Kau area.										
5	Land Acquisition				25						25
	Design				120						120
	Total Funding				145C				C		145C
		Hoolehua Water Project, Molokai		G08							
	Hoolehua Water Project, Molokai										
	Incremental development of water system, including plans and construction of pipelines, tanks, pumps and appurtenances for Hoolehua, Molokai.										
6	Design				40						40
	Construction				600						600
	Total Funding				640C				C		640C
		Wailua-Kapaa Water System, Kawaihau, Kauai		G09							
	Wailua-Kapaa Water System, Kawaihau, Kauai										
	Incremental development of water system, including plans and construction for source development, booster pumps, storage facilities, pipelines and appurtenances.										

Land Acquisition  
 Design 10  
 Construction 44  
 Total Funding 466  
 C 520C

7 Hanapepe Water System, Waimea, Kauai G10  
 Hanapepe Water System, Waimea, Kauai  
 Incremental development of water system, in-  
 cluding plans and construction of pipelines,  
 source development, storage facilities and ap-  
 purtenances.

Design 22  
 Construction 188  
 Total Funding 210C  
 C

8 Kekaha-Waimea Water System, Kauai G16  
 Kekaha-Waimea Water System, Kauai  
 Incremental development of water system in-  
 cluding plans and construction of source devel-  
 opment, pipelines, booster pumps and storage  
 facilities.

Design 23  
 Construction 167  
 Total Funding 190C  
 C

9 Water Sources Investigation, Oahu G43  
 Water Sources Investigation and Development,  
 Oahu  
 Engineering and economic studies, geologic  
 and hydrologic investigation, exploration and  
 development for the conservation and utilization  
 of surface and ground water sources.

Design 50  
 Construction 200  
 Total Funding 250C  
 C

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	APPROPRIATIONS (\$1,000's)					Total Biennium 1975-1977
				FY 1975-1976	FY 1976-1977	C O D E	C O D E	C O D E	
10	Water Sources Investigation, Kauai Water Sources Investigation and Development, Kauai Engineering and economic studies, geologic and hydrologic investigation, exploration and development for the conservation and utilization of surface and ground water sources.	G44		25					25
				105					105
				500					500
				630C					630C
11	Water Sources Investigation, Maui Water Sources Investigation and Development, Maui Engineering and economic studies, geologic and hydrologic investigation, exploration and development for the conservation and utilization of surface and ground water.	G46		10					10
				25					25
				265					265
				300C					300C
TRADE AND FINANCE									
12	Economic Assistance for Trade and Finance Hawaii International Trade Center The Hawaii International Trade Center (HITC) to be located in the Aloha Tower Complex is to generate and develop international business and trade for the overall benefit of Hawaii's economy. The HITC will include international	A11	PED 105						



exhibition and international conference facilities, showrooms, offices and other compatible facilities.

Construction  
Total Funding

4,000  
4,000C

C

PED 107

SCS Developmt & Marketing for Trade & Fina  
FTZ Development of Sand Island  
FZI

Expand FTZ-9 on 45 acres on Anuenue site, to broaden zone activities to include transshipment, manufacturing, re-export assembly of foreign and domestic goods as well as the storage and warehouse operation conducted at pier 39. Improvements include utilities, fencing, warehouse, office building construction, and landscaping.

Construction  
Total Funding

2,550  
2,550C

C

AGRICULTURE

Producty Imprvmt & Mgt. Assnce for Agr  
Production & Mngmt Methods Imprvmt for  
Farms & Ranches—Productn &  
Mgt Imprvmt

HHL 111

14 Molokai Water System Improvement H30

To upgrade the existing water system on Molokai to County of Maui standards.

Design  
Construction  
Total Funding

100  
900  
1,000C

C

LNR 153

15 Sand Is Fishery Station Thermo-Control Fac C09

Building for thermo-control larval rearing required for year round production of seed stock includes heaters, pumps, controls and recorders.

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	APPROPRIATIONS (\$1,000's)					
				FY 1975-1976	FY 1976-1977	Biennium 1975-1977		Total	
			Org. No.	C D E	C D E	C D E	C D E		
	Design Construction Total Funding			10 100 110C			10 100 110C		
	Plant Pest and Disease Control								
	Plant Pest Control		AGR	122					
16	Plant Industry Facility, Kauai Plant industry facility, Kauai; 1440 sq. ft.; 60 x 24, to replace present facility which is beyond repair to provide space for plant industry staff.	008							
	Design Construction Total Funding				40 423 463C		40 423 463C		
	Irrigation Services for Agriculture								
	Access Bridges for Waimea Irrigation System		LNR	161					
17	Access Bridges for Waimea Irrigation System Hawaii plans and construction for the replacement of bridges for the Waimea Irrigation system.	G49							
	Design Construction Total Funding						20 104 124C	20 104 124C	
<b>B. EMPLOYMENT</b>									
ASSISTANCE IN WORK RELATED DIFFICULTIES									
	Vocational Rehabilitation		SOC	802					
1	Extended Sheltered Workshop To provide sheltered employment to 100 se-	504							

verely disabled persons on Oahu at a site readily accessible by bus. Gross building area of 14000 sq ft and land area of 60000 square feet.

Land Acquisition 308  
 Design 29  
 Total Funding 337C

C

2 Nanakuui Workshop for the Handicapped 507

To provide work evaluation and work training to 75 handicapped residents annually and 50 at any given time. The workshop shall have airconditioning. Gross building area 9300 square feet and land area 40000 square feet.

Land Acquisition 90  
 Design 14  
 Total Funding 104C

C

C. TRANSPORTATION FACILITIES  
 AIR TRANSPORTATION FACILITIES AND SVCS

1 Airports Facilities and Services TRN 102  
 HIA Facilities & Svcs

1 Construction of Reef Runway A02

Construct dike, dredge and fill, construct runway and taxiways, relocate sewers, construct fire station, install security fencing and construct other related improvements.

Design 100  
 Construction 10,300  
 Total Funding 7,400D  
 3,000N

D  
 N

2 Supplemental HIA Expansion Program A04

Improvements and modifications to baggage claim areas, miscellaneous road, parking lot and drainage improvements, continuation of

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	APPROPRIATIONS (\$1,000's)								
				FY 1975-1976	FY 1976-1977	FY 1977-1978	Total Biennium 1975-1977	C D E	C D E			
3	the landscaping program, refacing of tower building and modification to baggage storeroom, installation of three 747 hardstands, taxiway improvements, addition to maintenance facility, and other improvements.		A06	Design								
				Construction	1,150			1,150				
				Total Funding	5,660			5,660				
4	Diamond Head Extension to Main Terminal		A07	Design								
				Construction	5,180			5,180				
				Total Funding	3,720B			3,720B				
5	Construct B747 Hardstands and Gates		A08	Design								
				Construction	10,138			10,138				
				Total Funding	10,380E			10,380E				

135

135

135

Construction Total Funding	3,040 1,875B 1,300N	B N
6	A09	
Air Taxi, Group Tour, & Flight Service Sta. Reconstruct apron area, install ramp lighting, construct T-hangars, air taxi-group tour-flight service station facility and appurtenances and other miscellaneous improvements at south ramp.	14 186 200B	B
Design Construction Total Funding		
7	A10	
Freeway Connection, Roadway and Hwy Alter. Construct the ramps and roadway connections to the H-1 freeway, alterations to the internal roadway system, alteration to the taxiways for high speed exits, and other miscellaneous adjust- ments and improvements.	2 2,760 2,762E	E
Design Construction Total Funding		
8	A11	
New Inter-island Terminal Construct new passenger terminal and parking structure, aircraft taxiways and parking apron, connecting roadways and other miscellaneous improvements. Relocate existing inter-island maintenance, cargo and administrative offices. Alterations to existing parking areas, roadways and landscaping. Install furniture and miscel- laneous equipment.	4 13,480 13,484E	E
Design Construction Total Funding		

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	APPROPRIATIONS (\$1,000's)				
				Org.	No.	FY 1975-1976	FY 1976-1977	Total Biennium 1975-1977
						C D E	C D E	C D E
9	General Lyman Field Facilities and Svcs		TRN	111				
	General Lyman Field Expansion	B01						
	General Lyman Field Expansion. Project to include site work, grading, drainage, utilities, paving, the construction of the new terminal building and other improvements.							
	Design				570.			570
	Construction				6,430			6,430
	Total Funding				6,600D		D	6,600D
					400N		N	400N
10	General Lyman Field, Hawaii							
	Plans and construction for a separate terminal facility for clearing and inspecting passengers and baggage of overseas flight entering the U.S. from a foreign origin, as required.	B04						
	Design				270			270
	Construction				2,430			2,430
	Total Funding				2,700E		E	2,700E
	Ke-Ahole Airport Facilities and Services		TRN	114				
11	Ke-Ahole Airport Expansion to Auto Parking							
	Alteration and expansion of auto parking area, roadway improvement, lighting, landscaping, and other miscellaneous improvements.	C02						
	Design				5			5
	Construction				45			45
	Total Funding				50D		D	50D

12	Construction of Maint. Facil. & Terminal Construct the airport maintenance building and appurtenances and expand the terminal fa- cilities and other improvements.	C03					
	Design		18	18			
	Construction		332	332			
	Total Funding		350D	350D	D		
	Kahului Airport Facilities and Services						
							TRN 131
13	Construct Taxiway and Extend Safety Area Grade extended safety area for runway 2, con- struct parallel taxiway along runway 5-23, strengthen runway 5-23, and improve airfield drainage system.	D05					
	Design		25	25			
	Construction		475	475			
	Total Funding		350D	350D	D		
			150N	150N	N		
	Molokai Airport Facilities and Services						
							TRN 141
14	Molokai Airport Prelim Plans & Land Acqui. Preliminary planning and land acquisition for a new Molokai airport.	D51					
	Land Acquisition		1,000	1,000			
	Total Funding		550D	550D	D		
			450N	450N	N		
	Lanai Airport Facilities and Services						
							TRN 151
15	Lanai Airport Runway Extension Lanai Airport Runway Extension Project to encompass the construction of a 2000 feet extension to runway 3-21 which now measures 5000 feet, strengthen existing run- way, expand and reconstruct apron.	D73					
	Design		20	20			
	Construction		600	600			
	Total Funding		370D	370D	D		
			250N	250N	N		

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	APPROPRIATIONS (\$1,000's)					
				FY 1975-1976	FY 1976-1977	Total Biennium 1975-1977	C D E	C D E	
16	Lihue Airport Facilities and Services		TRN	161					
	Plans, Land Acquisition & Constr of New Run	E02							
	Plans, land acquisition and construction of a new runway and taxiway, apron, lighting and other miscellaneous improvements.								
	Construction					10,900			10,900
	Total Funding					6,550D	D		6,550D
						4,350N	N		4,350N
17	Air Transportation Facilities & Svcs Sup		TRN	293					
	General Administration for Air Trans F & S								
	Statewide Airport Planning	F01							
	Statewide Airport planning which provides basic data and information for proper planning preliminary designs, special engineering, architectural and environmental studies and the establishment of development priorities of the state airport system facilities and continued review and updating of master plans.								
	Design					250			250
	Total Funding					250B	B		250B
18	WATER TRANSP FACILITIES AND SERV								
	Harbors Facilities and Services		TRN	301					
	Honolulu Harbor Facilities and Services								
	Add Recon Rel Improv Rec Acq Hon Har fac	J02							
	Addition, reconstruction, relocation and improvement of roadways, sheds, parking, lighting, utilities and other facilities in the Pier 18 to 34 area.								



19	Design Construction Total Funding	20 80 100B	B	20 80 100B
	Misc Improv to Exist Pier Fac at Hon Har			
	J03			
	Miscellaneous improvements to existing piers, sheds and yard facilities at Honolulu Harbor, including improvements to lighting, oil lines, paving, and other facilities.			
	Design Construction Total Funding	7 43 50B	B	7 43 50B
20	Container Facilities at Honolulu Harbor			
	J04			
	Improvements and/or modifications to the ex- isting facilities at Honolulu Harbor to meet the growing demands of container operations, and other improvements.			
	Design Construction Total Funding	85 415 500D	D	85 415 500D
21	Expans Container Fac Deve Transshipment			
	J06			
	Hon Development of Transshipment and container facilities on Sand Island including pier, yard, shed and other improvements.			
	Design Construction Total Funding	225 1,095 320B 1,000D	B D	225 1,095 320B 1,000D
22	Energy Corridor Oahu			
	J10			
	To provide necessary funds for engineering and acquisition of necessary easements for es- tablishment of an energy corridor between Kahe Point and Honolulu Harbor, Oahu.			

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	APPROPRIATIONS (\$1,000's)				
				FY 1975-1976	FY 1976-1977	C O D E	C O D E	Total Biennium 1975-1977
23	Land Acquisition			320				320
	Total Funding			320D		D		320D
23	Acquisition and Development of Piers 41-42	J19						
	FY 76 Initial Development							
24	FY 77 Final Payment for acquisition of land and facilities. Succeeding years further development							
	Construction			827				827
	Total Funding			827D		D		827D
24	Improvements to Piers 39-40 Complex	J20						
	Improvements to Piers 39-40 complex including renovations, new facilities and other improvements.							
	Design			170				170
	Construction			830				830
	Total Funding			1,000D		D		1,000D
25	Hilo Harbor Facilities and Services		TRN 311					
	Hilo Harbor Improvements, Hawaii	L01						
	Improvements to Hilo Harbor Port facilities including modifications to Pier 1 shed and apron, expansion of container facilities, construction of ro-ro facilities, improvements to Pier 2-3 area, removal of bag sugar warehouse, and other improvements.							
	Design			75				75
	Construction			1,075				1,075
	Total Funding			1,150D		D		1,150D

26	<p>Kawaihae Harbor Facilities and Services</p> <p>Kawaihae Harbor improvements, Hawaii L03</p> <p>Kawaihae Harbor improvements including barge terminal expansion, office and shop facilities and other improvements (approx. \$111,000 prior appropriation lapsed)</p>	TRN 313	<p>14</p> <p>66</p> <p>80B</p> <p>B</p> <p>14</p> <p>66</p> <p>80B</p>
27	<p>Kahului Harbor Facilities and Services</p> <p>Kahului Harbor Improvements Maui M01</p> <p>Kahului Harbor improvements including acquisition of land, development of container yard, ro-ro, and fishing vessel facilities, and other improvements.</p>	TRN 331	<p>450</p> <p>50</p> <p>250</p> <p>750D</p> <p>D</p> <p>450</p> <p>50</p> <p>250</p> <p>750D</p>
28	<p>Nawiliwili Harbor Facilities and Service</p> <p>Nawiliwili Harbor K01</p> <p>Nawiliwili Harbor improvements including dredging and widening of entrance channel and harbor basin, container terminal expansion, and other improvements to harbor facilities. Possible federal aid anticipated during the planning period is approximately \$1,950,000.</p>	TRN 361	<p>25</p> <p>125</p> <p>150B</p> <p>B</p> <p>25</p> <p>125</p> <p>150B</p>

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	APPROPRIATIONS (\$1,000's)						
				FY 1975-1976	FY 1976-1977	Total Biennium 1975-1977		Total Biennium 1975-1977		
		No.	Org.	No.		C O D E	C O D E	C O D E	C O D E	
29	Other Water Transportation F & S Misc. imprv. to fac. at Neighbor Is. Ports Improvements to yard areas, sheds, piers, util- ities, water areas and other facilities.	I03	TRN	401						
	Design				4					4
	Construction				21					21
	Total Funding				25B					25B
30	Statewide Commercial Har. Sewer Sys Imprv. Study and implementation of statewide sewage system for commercial harbors. Implementa- tion costs are dependent upon study findings and recommendations.	I04								
	Design				250					250
	Construction				1,250					1,250
	Total Funding				1,500D					1,500D
31	Water Transportation F & S Support Planning and Analysis for Water Trans Statewide Harbor Planning Continuing harbor studies, research and ad- vance planning of harbor and terminal facil- ities on all islands.	I01	TRN	491						
	Design				90					90
	Total Funding				90B					90B
	LAND TRANSPORTATION FACILITIES AND SERVI Corridors and Highways and Services Oahu Highways and Services									
			TRN	501						

32	<p>Interstate Route H-1-Middle Street Separation to old Waialae Road, Honolulu, Oahu—safety improvements along existing Lunalilo Freeway from Middle Street separa- tion to old Waialae Road.</p>	Q44	<p>1,090 232D 858J</p>	<p>1,090 232D 858J</p>
	<p>Construction Total Funding</p>		<p>D J</p>	
33	<p>Interstate Route H-1, Safety Improvements and Reconstruction of University Avenue Interchange Oahu—safety improvements and reconstruction of University Avenue inter- change.</p>	Q47	<p>300 75D 225J</p>	<p>300 75D 225J</p>
	<p>Design Total Funding</p>		<p>D J</p>	
34	<p>Interstate Route H-1, Landscaping Palaiiai to Aimakoa, Oahu—incremental land- scaping, including sprinkler systems and other appurtenances necessary for the continual maintenance of the improvements.</p>	Q49	<p>15 85 100D</p>	<p>15 85 100D</p>
	<p>Design Construction Total Funding</p>		<p>D</p>	
35	<p>Busway on Interstate and Primary Routes on Oahu—construction of busways for mass transit on interstate and primary routes.</p>	R13	<p>70 530 200D 400N</p>	<p>70 530 200D 400N</p>
	<p>Design Construction Total Funding</p>		<p>D N</p>	

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	APPROPRIATIONS (\$1,000's)										
				FY 1975-1976	C D E	FY 1976-1977	C D E	Total Biennium 1975-1977	C D E					
		Org. No.	No.											
36	Kamehameha Highway Improvements, Wahiawa Town Section, Oahu—widening of Kamehameha Highway from Wilson Bridge to vicinity of Kilani Avenue, including replacement of Wilson Bridge.	R51												
	Land Acquisition			195									195	
	Construction			2,926									2,926	
	Total Funding			1,220D									1,220D	
				1,901K									1,901K	
37	Puuloa Road—Kamehameha Highway to Peltier Avenue, Honolulu, Oahu—widening existing two-lane facility.	R63												
	Land Acquisition			739									739	
	Total Funding			405D									405D	
				334M									334M	
38	Second Entrance to Wahiawa Town, Oahu Construction of a highway for a 2nd entrance to Wahiawa town.	R69												
	Design			196									196	
	Total Funding			196D									196D	
39	Likelike Hwy-Kahekili Hwy Interchange, Koolaupoko, Oahu. Construction of interchange to replace the existing at grade inter-section.	R71												
	Land Acquisition			323									323	
	Design			266									266	
	Construction			4,085									4,085	
	Total Funding			4,674D									4,674D	

40	<p>Kalianaole Hwy, Aina Koa to Lunaliilo Home Road, Oahu—Plans and construction for development of a transportation corridor from Aina Koa to Lunaliilo Home Road, to include highways, bikeways and transit system. To be supplemented by unexpended funds from Act 197, SLH 1971, Item I-C-7 Act 176, SLH 1972, Item I-C-19 and Act 218, SLH 1974, Item IV-B-10.</p>	<p>R76</p>	<p>5,126 927 7,672 3,886D 9,439K 400N</p>	<p>D K N</p>
	<p>Land Acquisition Design Construction Total Funding</p>		<p>5,126 927 7,672 3,886D 9,439K 400N</p>	
41	<p>Kalianaole Highway, Oahu—Improvement of highway, Saddle City towards Waimanalo.</p>	<p>R78</p>	<p>265 265D</p>	<p>D</p>
	<p>Construction Total Funding</p>		<p>265 265D</p>	
42	<p>Kamehameha Highway, Kaneohe, Oahu Resurfacing and improvement of mauka lanes of Kamehameha Highway between Likelike and Pali Highways.</p>	<p>R87</p>	<p>103 103D</p>	<p>D</p>
	<p>Construction Total Funding</p>		<p>103 103D</p>	
43	<p>Kahekili Highway Widening, Kaneohe, Oahu—Widen the existing two-lane Kahekili Highway to a four-lane divided facility.</p>	<p>S40</p>	<p>510 510D</p>	<p>D</p>
	<p>Land Acquisition Total Funding</p>		<p>510 510D</p>	

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	APPROPRIATIONS (\$1,000's)				
				FY 1975-1976	FY 1976-1977	Total Biennium 1975-1977	C	D
44	Kamehameha Highway Drainage Improvements, Waimano Home Road to Waiawa Stream, Oahu Construction of Drainage Improvements from Waimano Home Road to Waiawa Stream. To be supplemented by unexpended funds from Act 176, SLH 1972, Item I-C-9 for construction.	S56		512 512D	D	512 512D		
45	Moanalua Road Improvements—Aiea Towards Middle Street, Oahu—Improving the existing four-lane divided highway from Aiea to Middle Street.	S65		694 243D 451K	D K	694 243D 451K		
46	Farrington Highway Improvements—Piliokoe Gulch Towards Mokuleia, Oahu—Incremental construction for improvements, widening and realignment of Farrington Highway from Piliokoe Gulch towards Mokuleia.	S66		2,800 2,800D	D	2,800 2,800D		
47	Fort Weaver Road Realignment and Widening including improvements to Kunia Road to provide for a connection to H-1, Ewa, Oahu	S70						



—Incremental realignment and improvement of existing two-lane highway to a divided highway, or temporary improvements to the existing two-lane highway.

Land Acquisition  
 Total Funding

830	830
525D	525D
305L	305L
	D
	L

48 Pearl Harbor Shuttle Ferry System, S73  
 Oahu—Shuttle ferry system at Pearl Harbor between vicinity of Iroquois Point and vicinity of South Avenue.

Design  
 Total Funding

120	120
36D	36D
84N	84N
	D
	N

49 Oahu Bikeways, Oahu S74  
 Construct a bikeway on Oahu from the vicinity of Ala Moana Park to Mokuleia by way of Pearl Harbor, Waipahu, Waianae and Kāena Point.

Land Acquisition  
 Design  
 Construction  
 Total Funding

50	50
70	70
120	120
240D	240D
	D

Hawaii Highways and Services TRN 511

50 Hilo Waterfront Road, Vicinity of Wailuku T02  
 River to Hilo Wharf, South Hilo, Hawaii.  
 Improvement of Hilo Highway from vicinity of Wailuku River to Hilo Wharf including re-  
 placement of Wailoa River Bridge.

Design  
 Construction  
 Total Funding

65	65
2,500	2,500
910D	910D
1,655K	1,655K
	D
	K

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	Org.	No.	APPROPRIATIONS (\$1,000's)								
						FY 1975-1976	C O D E	FY 1976-1977	C O D E	Total Biennium 1975-1977	C O D E			
51	Kuakini Highway, Hawaii Realignment of present two-lane highway to meet the Kaiua-Kawaihae Road at its inter-section with Palani Road.	T04				1,420					1,420			
	Land Acquisition					31					31			
	Total Funding					1,451D			D		1,451D			
52	Hawaii Belt Road, Improvements, Section 19H, Hawaii—Realignment of portion of Hawaii Belt Road including the construction of the Kapehu and Kaalau Bridges. Funds in Item H55 of Act 68, SLH 1971 and Item C-59 of Act 218 SLH 1974 may be used for this project.	T16												
	Construction					565					565			
	Total Funding					565D			D		565D			
53	Hawaii Belt Road, Climbing Lanes, Hamakua, Hawaii—Construction of climbing lanes from Kaawalii Gulch to Ookala Cemetery.	T26												
	Land Acquisition					15					15			
	Design					50					50			
	Total Funding					65D			D		65D			
54	Hawaii Belt Road: Replacement of 5 Bridges	T27												
	Hawaii Belt Road Improvement, Hamakua, Hawaii—Replace existing wooden bridges at Kainche, Kaholalele, Paaulo School and east Paaulo streams and concrete bridge at Kealakaha Stream.													

	Land Acquisition	40		40
	Design	285		285
	Construction	716		716
	Total Funding	1,041D	D	1,041D
55	Akaka Falls Rd: South Hilo, Hawaii— T37 Improvement and Realignment of Roadway and reconstruction of bridge.			
	Construction	87	D	87
	Total Funding	87D	D	87D
56	Hawaii Belt Road, Puna, Hawaii—Im- T56 provement and realignment of existing two- land highway to four-lane highway from the vicinity of Slaughter House Road to south of the Keaau-Pahoia Road, including improve- ment of the Hawaii Belt Road and Keaau- Pahoia Road intersection.			
	Land Acquisition	56		56
	Design	61		61
	Total Funding	117D	D	117D
57	Kuakini Highway, Truck Climbing Lanes, T60 North Kona, Hawaii—Construction of climb- ing lanes on Kuakini Highway in North Kona.			
	Land Acquisition	16		16
	Construction	803		803
	Total Funding	819D	D	819D
58	Hawaii Belt Road, Truck Climbing Lanes, T61 Pepeekeo, South Hilo, Hawaii—Construc- tion of climbing lanes on Hawaii Belt Road at Pepeekeo.			
	Land Acquisition	10		10
	Construction	430		430
	Total Funding	440D	D	440D

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	APPROPRIATIONS (\$1,000's)						
				FY 1975-1976	C O D E	FY 1976-1977	C O D E	Total Biennium 1975-1977		
59	Keau-Paho Rd., Puna, Hawaii Realignment of highway from approximately 1 mile north of and to the vicinity of the Paho-Kalapana-Kapoho Road junction.	T62		145		145		145		145D
	Design									
	Total Funding			145		145D		145		145D
60	Honokaa-Waipio Road: Hamakua, Hawaii. Design and construction of two-lane highway from Haina Road intersection to Waipio Lookout.	T72		120		1,405		120		1,405
	Land Acquisition									
	Construction			1,405				1,405		
	Total Funding			1,525D			D	1,525D		
61	Kau-Kona Road, Hawaii Hawaii Increment Construction of Two Lane Highway	T73		285		149		285		149
	Land Acquisition									
	Design			149				149		
	Total Funding			434D			D	434D		
62	Maui Highways and Services Honoapilani Highway, Maui—Construction of improvements to Honoapilani Highway from Kihei Road to Kuihelani Highway.		TRN 531	743		743D		743		743D
	Construction									
	Total Funding			743		743D	D	743		743D

63	Kahekili Highway, Maui—Incremental widening, paving, and improvement of existing dirt road between Waihee and Honokohau.		
	Construction	122	122
	Total Funding	122D	122D
64	Puunene Avenue Improvements, Maui Construct improvements from Kaahumanu Avenue to Kuihelani Highway.		
	Construction	750	750
	Total Funding	750D	750D
65	Haleakala Highway—Airport to Kula Highway Makawao, Maui—Widen, realign and reconstruct highway from Kahului Airport junction on Hana Highway to Kula Highway junction at Pukalani.		
	Design	137	137
	Total Funding	137D	137D
66	Honoapiilani Highway, Lahaina, Maui Construction of two-lane highway from Honokowai to Honokahua.		
	Design	279	279
	Construction	7,639	7,639
	Total Funding	2,606D	2,606D
		5,312K	5,312K
67	Piilani Highway, Kihei to Ulupalakua, Maui—Incremental construction of highway from Kihei to Ulupalakua.		
	Land Acquisition	644	644
	Total Funding	644D	644D

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	Org.	No.	APPROPRIATIONS (\$1,000's)			Total Biennium 1975-1977 E
						FY 1975-1976 E	FY 1976-1977 E	C D E	
68	Kuihelani Hwy, Kahului Airport to Maalaea, Maui—Construction of two-lane highway from Hana Highway near Kahului to Honoapiilani Highway near Maalaea.	V44				599			599
						224D		D	224D
						375L		L	375L
69	Molokai Highways and Services Maintenance Baseyard, Molokai Construction of a maintenance baseyard, facilities and office for Molokai.	W05	TRN	541		17			17
						20			20
						37D		D	37D
70	Lanai Highways and Services Maintenance Baseyard, Lanai Construction of baseyard and new facilities for Lanai.	W57	TRN	551		6			6
						11			11
						17D		D	17D
71	Kauai Highways and Services Kauai Belt Road, Hanalei Town Section Hanalei, Kauai—Construction of highway between Hanalei Bridge and Waiolo Stream Bridge, including a structure at Waioli Stream and landscaping.	X01	TRN	561		200			200
						200D		D	200D

72	Kauai Belt Rd., Hanalei to Kalihiwai Hanalei, Kauai—Construction of highway, including appurtenant drainage, landscaping and improvements.								
	Land Acquisition	115	115						
	Design	294	294						
	Total Funding	409D	409D						
73	Kauai Belt Road, Hanalei Bridge & Approaches Hanalei, Kauai—Construction of new bridge over the Hanalei River, including approaches, to replace existing Hanalei Bridge.								
	Design	277	277						
	Construction	3,038	3,038						
	Total Funding	1,383D	1,383D						
		1,932K	1,932K						
74	Waikoko Bridge Replacement, Kauai Belt Road—Hanalei, Kauai. Construction of bridge and approaches to replace deteriorating structure.								
	Construction	115	115						
	Total Funding	115D	115D						
75	Kuamoo Road, Safety Improvements Kauai—Safety improvements along Kuamoo Road.								
	Design	20	20						
	Total Funding	20D	20D						
76	Kuhio Highway—Wailua Bridge Repairs, Kauai—Repairs to Wailua Stream Bridge.								
	Design	10	10						
	Construction	70	70						
	Total Funding	80D	80D						

Item No.	Program and Capital Project	Program ID	APPROPRIATIONS (\$1,000's)														
			Cap. Proj. No.	Org.	No.	1975-1976			1976-1977			Total					
						FY	C	D	E	FY	C	D	E	O	D		
77	Land Transportation F & S Support General Administration for Land Trans F Vehicular Ferry System, Statewide—Plan- ning & Construction for vehicular ferry sys- tem which would operate as a part of the statewide highway system. To be supple- mented by unexpended funds from Act 218, SLH 1974. Item C81 for design & construc- tion.	TRN	814				700									700	
	Design						245D									245D	
	Total Funding						455N									455N	
78	Close-out of Highway Rights-Of-Way, X96 Statewide. To Acquire Clear title to real property used for the con- struction of previous highway projects. Many such parcels of lands were used on the basis of rights-of-entry only, and it would be proper for the State to acquire clear title to such property used for public purposes.																
	Land Acquisition															250	
	Total Funding															250D	
79	Miscellaneous Drainage Improvements X97 Statewide—Drainage improvements to exist- ing highway facilities.																
	Land Acquisition															20	
	Design															20	
	Construction															110	
	Total Funding															150D	
																	D



80 Miscellaneous Improvements to Existing X98  
Intersections and Highway Facilities, State-  
wide—Miscellaneous improvements to exist-  
ing intersections and highway facilities neces-  
sary for traffic safety.

Land Acquisition	100		100
Design	175		175
Construction	820		820
Total Funding	450D	D	450D
	645K	K	645K

81 Highway Route Planning, Traffic, Finance, X99  
Road Use, Road Life and Economic Studies,  
Statewide—Highway studies and research and  
advance planning of federal highway projects.  
This is required to qualify the State to re-  
ceive federal-aid.

Design	1,097		1,097
Total Funding	511D	D	511D
	586N	N	586N

**D. ENVIRONMENTAL PROTECTION**

PRESERVATION AND ENHANCEMENT  
Forests and Open Spaces

LNR 402

I DLNR Baseyard, Maui D05

Design and construct a departmental baseyard  
for Maui facility to include covered parking,  
shops, flammable storage, fire cache, office  
and restroom, nursery area, warehouse and  
caretakers housing.

Design	25		25
Construction	436		436
Total Funding	461C	C	461C

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	APPROPRIATIONS (\$1,000's)						
				FY 1975-1976	FY 1976-1977	Total Biennium 1975-1977		Total Biennium 1975-1977		
			Org.	No.	C O D E	FY	C O D E	C O D E	C O D E	
2	DLNR Baseyard, Kauai Complete construction plans and cost estimate for construction of a DLNR baseyard on Kauai request for construction funds will be based on this study.	D06								
	Design					25				25
	Construction					50				50
	Total Funding					75C			C	75C
	Inland Waters		LNR	404						
3	Hawaii Water Resources Regional Plan Hawaii Water Resources Regional Plan, State-wide—Formulation of a multi-agency/multi-purpose long-range guide for federal, state, county and private interests to conserve, develop and utilize Hawaii's total water and related land resources in an efficient and timely manner.	G01								
	Design									
	Total Funding									
	E. HEALTH									
	PHYSICAL HEALTH									
	Communicable Diseases									
	Tuberculosis									
1	Lanaila Health Center Construction of a three story building with parking lot, retaining walls, landscaping, fencing and related work. Facility to house the following branches of the Health Department: tuberculosis, mental health, public health,	B01								
	Design									
	Total Funding									
						362			N	362
						362N				362N

	nursing, communicable diseases, dental health and health education.				
	Construction	200		200	
	Total Funding	200C		200C	
	Leprosy		HTH	111	
2	Leprosy Program				
	Renovation, addition, and relocation of facilities required for the leprosy program. Depending upon the outcome of the study on the leprosy program, funds may be used to construct a new 20 bed infirmary and to improve the water system at Kalaupapa Settlement. Unencumbered balances from Item E-8, Act 68, SLH 1971 may be used.				
	Construction	1,100			1,100
	Total Funding	1,100C			1,100C
	Hospital Care				
	Hilo Hospital—Hospital Care		HTH	211	
3	Acute Care Center at Hilo Hospital				
	Planning and construction of a 150 bed acute care center at the Hilo Hospital.				
	Design	247			247
	Total Funding	247C			247C
	Hilo Hospital				
4	Renovation of the south wing, 3rd floor to qualify as an intermediate care or skilled nursing facility for mentally retarded patients.				
	Design	25			25
	Construction	150			150
	Total Funding	175C			175C

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	APPROPRIATIONS (\$1,000's)					
				FY 1975-1976	FY 1976-1977	Total Biennium 1975-1977	C O D E	C O D E	
5	Maui Memorial Hospital—Hospital Care	C05	HTH 22I						
	Maui Memorial Hosp South Wing Plans and construction of a south wing, renovations H-16, H-18, & H-20 of Act 155/69, & Items H-21, H-22, Laundry at Maui Memorial Hospital. Unexpended balances in Items E-15 & E-16 of Act 68/71, items & H-26 of Act 187/70 shall be used for this project. Master plan completed.			354		354			
6	Lahaina Health Center	C14		2,150		2,150			
	Lahaina HTH Cntr—Plans & construction for Lahaina Health Center, including emergency medical center. Funds appropriated in Item H-18 of Act 187, SLH 1970 and Item II-F-2 of Act 197, SLH 1971, which are unencumbered shall be used for this project.			2,504C		2,504C			
7	Kauai Veterans Hospital—Hospital Care	C16	HTH 25I						
	Kauai Veterans Memorial Hosp Modernization			35		35			
				310		310			
				345C		345C			

G-1 of Act 197/71, which are unencumbered shall be used for this project.

Construction 1,975  
 Total Funding 1,975C

HTH 323

D06

Kula Sanatorium—Hospital Care  
 Kula Sanatorium Hospital Modernization  
 Correction of code violations and to modernize facility to conform to public health standards. Phase 1 project-code violations completed. Phase 2 project-modernization project underway.

Construction 1,271  
 Total Funding 1,271C

K01

Kula Sanatorium—ICF/MR

Design 5  
 Construction 50  
 Total Funding 55C

K02

Kula Sanatorium—Emergency Generator

Design 3  
 Construction 60  
 Total Funding 63C

K03

Kula Sanatorium—Elevator

Design 3  
 Construction 30  
 Total Funding 33C

HTH 352

G05

Samuel Mahelona Hospital—Hospital Care  
 Centralized Hospital Laundry  
 Site preparation improvement and installation of one tumbler to replace existing tumblers

Design 3  
 Construction 74  
 Total Funding 77C

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	APPROPRIATIONS (\$1,000's)					
				Org. No.	FY 1975-1976	FY 1976-1977	C O D E	C O D E	Total Biennium 1975-1977
13	Sam Mahelona Hosp—Sewage Treatment Plant Plans and construction of sewage treatment plant.	K51			130 130C				130 130C
14	Sam Mahelona Hospital Renovation of the hospital to qualify as an intermediate care or skilled nursing facility for the mentally retarded patients.	K56			6 19 25C				6 19 25C
15	MENTAL HEALTH Routine Treatment Rehab Svcs for Mental H Wahiawa Mental Hth Clinic	A01	HTH 420						
	Design Construction Total Funding				8 40 48C				8 40 48C
16	Hawaii Mental Health Facilities Renovation and/or relocation of out-patient clinical facilities to the central Hilo area. The present facilities are inadequate both in space and design for the conduct of the program.	E09							
	Design Construction Total Funding				10 88 98C				10 88 98C

17	<p>Diamond Head Health Center, Oahu                  New health center approx 67,400 sq ft Type I construction to replace the present wood frame bldg. Occupants will include: the mental health center, alcoholism clinic, convalescent center, preventive and clinical services, correction and family court, children's health services, public health nursing, dental health and health education.</p>	E18	HTH 420	<p>162C                  C                  162                  162C</p>
18	<p>Leeward Community Health Center, Pearl City                  Plans and construction, including equipment and landscaping for a new health center to house the following divisions: mental health, public health nursing branch, dental health, health education office, children's services and communicable disease.</p>	E19		<p>1,140                  C                  1,140C</p>
19	<p>Lahaina Health Center                  Construction of a health center with a gross floor area of 8200 sq ft to house mental health, children's health services, dental health, public health nursing, health education and Dept of Social Services. Project to be funded by transfer from other mental health projects.</p>	E21		<p>100C                  C                  100                  100C</p>

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	APPROPRIATIONS (\$1,000's)								
				FY 1975-1976	FY 1976-1977	FY 1977-1978	Total Biennium 1975-1977	C	D	E		
20	Kona Health Center Addition of present facility to accommodate the increased activities of the mental health program in west Hawaii.	E50										
	Design			15			15					15
	Construction			100			100					100
	Total Funding			115C			115C					115C
21	Kauai Health Center Facilities Additions, renovations, repairs, and other miscellaneous improvements to the District Office—Lihue Health Center Complex and the Kapaa and Hanapepe Health Centers.	G01										
	Design			6			6					6
	Construction			40			40					40
	Total Funding			46C			46C					46C
22	Emergent & Modtrly Intnsv Treat Svcs for Hawaii State Hospital	E02	HTH	430								
	Design			100			100					100
	Construction			1,000			1,000					1,000
	Total Funding			1,100C			1,100C					1,100C
23	MENTAL RETARDATION Community Based Svcs for Mentally Retard Hale Hauoli Renovation of facilities to accommodate the increase of participants and staff.	R50	HTH	501								
	Design			5			5					5
	Construction			20			20					20
	Total Funding			25C			25C					25C



HTH 511

Waimano Training School and Hospital

R01

Renovations to the hospital and other intermediate care facilities so that life safety violations may be corrected and certification can be obtained for federal reimbursement.

75  
700  
775C

C

24

R02

Waimano Training School

15  
100  
115C

C

25

OVERALL PROGRAM SUPPORT FOR HEALTH

HTH 907

Department of Health—Administration

X01

Repairs and renovations of health facilities and hospitals to correct life safety and occupational safety and health violations.

15  
100  
115C

C

26

X02

Hale Mohalu Land

Since the leprosy program may be phased out at Hale Mohalu, a project development report should be done to determine the best use of the land.

50  
50C

C

27

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	APPROPRIATIONS (\$1,000's)							
				Org. No.	FY 1975-1976	FY 1976-1977	FY 1977-1978	Biennium 1975-1977	Total		
					C	D	E	C	D	E	
<b>F. SOCIAL PROBLEMS</b>											
<b>ASSURED STANDARD OF LIVING</b>											
	Housing Assistance										
	Housing Payments and Loans										
	Housing Loans to Native Hawaiians		HHL	611							
1	Nanakuli Subdivision 320 Units (Addition) and electrical lines for 430 residence lots in increments of 110, 110, 110, and 100. To provide loan fund capitalization for construction of 112 homes.	H20									
	Construction				6,032						6,032
	Total Funding				6,032C			C			6,032C
2	Waianae Subdivision 530 Units (Addition) install utilities and stake out for 307 residence lots at Waianae, Oahu in increments of 150,100 and 57. To provide loan capitalization for construction loans for 107 units.	H23									
	Construction										
	Total Funding										
3	Nanakuli Drainage Project (Addition) Plans and construction for drainage facilities at Nanakuli Oahu to enable the department to continue with housing development in Nanakuli	H26									
	Construction				6,745						6,745
	Total Funding				6,745C			C			6,745C
	Construction										
	Total Funding										
	Construction				1,282						1,282
	Total Funding				1,282C			C			1,282C

4	H29	Nanakuli Road Improvements To improve and upgrade Mano, Kawahi, Kawao, Piliiaau and Haleakala Avenues to city and county standards approximately 9400 linear feet of roadway improvement			
		Design	129	129	
		Construction	1,165	1,165	
		Total Funding	1,294C	1,294C	C
5	H32	Replacement Loan Fund To provide for a revolving statewide replacement loan fund			
		Construction	5,250	5,250	
		Total Funding	5,250C	5,250C	C
		Housing Augmentation and Home Ownership Private Housing Augmentation			SOC 222
6	H76	Administration Building Extension A single story masonry office building approximately 4500 sq ft as a wing to existing HHA Office Bldg			
		Design	35	35	
		Construction	265	265	
		Total Funding	300B	300B	B

**G. FORMAL EDUCATION**

**LOWER EDUCATION**

Regular Instruction

Elementary

Relocate and Construct Portable Classrooms A0A

Relocation and construction of portables to meet temporary and sudden enrollment increases, consolidations, to provide temporary facilities while new schools are planned, to house peak enrollments and to provide for

EDN 102

Item No.	Program and Capital Project	Program ID	APPROPRIATIONS (\$1,000's)							
			Cap. Proj. No.	Org. No.	FY 1975-1976	FY 1976-1977	Total Biennium 1975-1977			
			C	O	E	C	O	D	E	C
	Program and Capital Project									
	other unforeseen emergencies. These funds are also for secondary schools.									
	Design				160					160
	Construction				975					975
	Total Funding				1,135C					1,135C
2	Minor Improvements, Additions, Renovations	A0B								
	Additions, renovations and improvements to buildings and grounds and to improve the educational programs. Funds for projects requiring supplemental funds due to unforeseen inflationary factors. These funds are also for secondary schools									
	Design				100					100
	Construction				2,784					2,784
	Total Funding				2,884C					2,884C
3	Lump Sum—Minor Land Acquisition	A0C								
	Acquisition of small parcels of land for existing schools needed to better locate buildings and to provide better access to schools. These funds are also for secondary schools									
	Land Acquisition				120					120
	Total Funding				120C					120C
4	Lump Sum for Master Plans and Site Studies	A0D								
	Master plans, pre-land acquisition studies, site selection and feasibility studies to meet future and unforeseen school needs due to residential developments. These funds are also for secondary schools									
	Design				100					100
	Total Funding				100C					100C

5	Removal of Architectural Barriers To provide ramps and other corrective mea- sures for easy accessibility of school facilities to handicapped persons. Planning and con- struction of improvements at a few selected schools. These funds are also for secondary schools	A0E				30 170 200C			30 170 200C
6	Kaewai El—Fire Alarm System Plans & Installation of a fire alarm system	C3B	EDN	102		5 5C			5 5C
7	Salt Lake Elem. Oahu Construct eight classrooms	H7A				400 400C			400 400C
8	Mauka Lani E.S. Plan and construct 16 classroom bldg, paved playcourts, ground and site improvements	K4C				65 65C			65 65C
9	Honaunau Elementary School South Kona Planning and construction—Installation of fire hydrant	P6A				8 40 48C			8 40 48C
10	Kihei School, Maui Plan and construct 16 classrooms, sitework, parking, relocation & renovation of portables, paved playcourt and playground. Supplemen- tary appropriations. Planning of 8 classrooms.	S8A							

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	APPROPRIATIONS (\$1,000's)					
				FY 1975-1976	FY 1976-1977	C O D E	C O D E	Total Biennium 1975-1977	
	Design Construction Total Funding			51 2,660 2,711C				C	51 2,660 2,711C
11	New Hanalei School First increment plan and construct eight classroom building with toilets and teacher work room including site work		W1B						
	Design Construction Total Funding			71 1,193 1,264C				C	71 1,193 1,264C
12	New Hanalei School Plan and construct eight classroom building with teacher work center and toilets with portion to be used as temporary library and administration office		W1C						
	Design Construction Total Funding			40 40C				C	40 40C
13	Solomon Elem, Oahu Construct twelve classrooms		0FC						
	Design Construction Total Funding			710 710C				C	710 710C
14	Mililani Uka Elem, Oahu Land acquisition, complex development report, first increment plans, & construction & site improvement.		0GA						
	Design Construction Total Funding			2,163 2,163C				C	2,163 2,163C

15	Schofield 3rd El, Oahu Complex development report; plan & construct first increment	1GA		50 50C	C	50 50C
	Design					
	Total Funding					
16	New Pukalani Elem School, Maui Plan and construct 16 CRS and sitework	4SA		460 460C	C	460 460C
	Construction					
	Total Funding					
17	Pohukaina School Master plan, plans and reconstruction of school	6CA		25 25C	C	25 25C
	Design					
	Total Funding					
	Intermediate		EDN 103			
18	Dole Inter-Fire Alarm System Plans & installation of a fire alarm system	B5D		5 5C	C	5 5C
	Design					
	Total Funding					
19	Kalakaua Int—Music Building Plan & construct music building & demolition of surplus CRS	C9D		256 256C	C	256 256C
	Construction					
	Total Funding					
20	Aliamanu Int, Oahu Plan & construct chain link fence & ground improvement	F4E		14 130 144C	C	14 130 144C
	Design					
	Construction					
	Total Funding					
21	Moanalua Int, Oahu Construct practical arts building	G9D		311 311C	C	311 311C
	Construction					
	Total Funding					

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	APPROPRIATIONS (\$1,000's)				
				FY 1975-1976	FY 1976-1977	Total Biennium 1975-1977	C	D
22	Hilima Int School Plan and construct industrial arts classroom, wood and metal, two arts and crafts classrooms, ground and site improvements.	J7A	EDN 103	45 45C	C	45 45C		
23	Kealakehe El & Inter School No. Kona, Hawaii Plans and construction of intermediate classroom building 4 regular, general shop, arts, and crafts, workroom and toilets, equipment and appurtenances	R4A		52 52C	C	52 52C		
24	Kauai High and Inter Plans and construction to renovate KCC to classrooms and other facility improvement	W5B		37 37C	C	37 37C		
25	Waipahu Int. School Plan and construct 9 general and 2 special classroom bldg, ground and site improvements	0KB		50 50C	C	50 50C		
26	Wheeler Int, Oahu Plan & construct practical arts building	7FA		27 27C	C	27 27C		



EDN 104

C5A

High

27 Kaunuku High  
 Supplemental appropriation to renovate and  
 improve existing classrooms  
 Construction  
 Total Funding

356  
 356C  
 C  
 356  
 356C

C71

28 Kaiser High—Science Classrooms  
 Plans & construction of conversion of tem-  
 porary CR to science classrooms  
 Design  
 Construction  
 Total Funding

25  
 279  
 304C  
 C  
 25  
 279  
 304C

G31

29 Leilehua High, Oahu  
 Master plan  
 Design  
 Total Funding

75  
 75C  
 C  
 75  
 75C

G3L

30 Leilehua High, Oahu  
 Improve soundproofing of music building  
 Design  
 Construction  
 Total Funding

4  
 46  
 50C  
 C  
 4  
 46  
 50C

G5F

31 Mililani High, Oahu  
 Construct industrial arts classrooms  
 Construction  
 Total Funding

1,230  
 1,230C  
 C  
 1,230  
 1,230C

G5G

32 Mililani High, Oahu  
 Plan & construct twenty classrooms  
 Design  
 Total Funding

41  
 41C  
 C  
 41  
 41C

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	APPROPRIATIONS (\$1,000's)					Total Biennium 1975-1977 E
				Org.	No.	FY 1975-1976 E	FY 1976-1977 E	C	
33	Moanalua High, Oahu Plan & construct twelve classrooms Design Total Funding	G8G				27 27C		27 27C	
34	Radford High, Oahu Master plan Design Total Funding	H5C				75 75C		75 75C	
35	Nanakuli High—Int S. Plan and construct 6 general and 5 special classrooms, ground and site improvements Design Total Funding	K8E				65 65C		65 65C	
36	Kahuku High and Elementary Plans and construct 13 special classrooms, tchr wkrm Construction Total Funding	M9I				1,500 1,500C		1,500 1,500C	
37	Hana High and Elem School, Maui Supplementary funds for construction of first increment Construction Total Funding	S2A				1,500 1,500C		1,500 1,500C	
38	Lahainaluna High School, Maui Supplemental funds for plans and construction of music building. Construction Total Funding	T2C	EDN	104		325 325C		325 325C	

39	Maui High Supplement to prior appropriations to construct 8 classroom building including 2 special education and 6 regular classrooms.	T6M		
	Construction		204	204
	Total Funding		204C	204C
40	Molokai High & Inter School, Molokai Supplemental funds for the construction of 6 classroom building. Reduction of scope from 8 classrooms to 6 classrooms.	T8F		
	Construction		542	542
	Total Funding		542C	542C
41	Pearl City H S Plan and construct roadway, ground and site improvements, including sidewalks, street lighting, drainage, sewer and utility connections.	IJI		
	Design		95	95
	Total Funding		95C	95C
42	Waialua High, Oahu Plan & construct ten classrooms; demolish buildings A, C, E.	4FJ		
	Design		54	54
	Total Funding		54C	54C
43	Waianae H S Plan and construct 10 classrooms bldg, sewer assessment, ground and site improvements.	5JC		
	Design		49	49
	Total Funding		49C	49C

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	APPROPRIATIONS (\$1,000's)					
				Org.	No.	FY 1975-1976	FY 1976-1977	Total Biennium 1975-1977	C O D E C O D E
44	Waiakea High (Hilo 2nd High) Hilo, Hawaii Plans and construction of eight regular classrooms and ten special classrooms and shops. Parking (50), workrooms, toilets, covered walkways, equipment and appurtenances plans for phase III.	8PA				166 2,333 2,499C		166 2,333 2,499C	
45	Instructional Support Instructional Media Kalihi Elem—Library Plan & construct expansion & improvements for library.	D18	EDN	301					
46	Mililani Hi, Oahu Construct Library.	G5J				177 177C		177 177C	
47	Kalama Uka Elem Plan & construct first increment, including administration building, library, and classrooms.	7CD				691 691C		691 691C	
	Construction Total Funding					475 475C		475 475C	

48	Waipahu E. S. Construction of single story administration— library bldgs., demolition of existing admin- library, ground and site improvements.	8JB							
	Construction					323		323	
	Total Funding					323C	C	323C	
	Student Services		EDN	403					
	Athletics								
49	Aiea High, Oahu Improve Athletic Field FIC Plan & construct chain link fence around foot- ball field; toilet facilities for athletic field; concession booth.								
	Design					4		4	
	Construction					33		33	
	Total Funding					37C	C	37C	
50	Mililani High, Oahu Construct athletic field with bleachers, lights.	G5E							
	Construction					586		586	
	Total Funding					586C	C	586C	
51	Moanalua High, Oahu Plan & construct baseball field.	G8E							
	Design					11		11	
	Total Funding					11C	C	11C	
52	Kalaniana'ole Elem & Inter Schools Hilo Hi P9A Plans and construction of playground and paved playcourts.								
	Construction					341		341	
	Total Funding					341C	C	341C	

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	APPROPRIATIONS (\$1,000's)					
				Org. No.	FY 1975-1976	FY 1976-1977	Total Biennium 1975-1977		
				C O D E	C O D E	C O D E	C O D E		
53	Konawaena Elem School, North Kona Ha-waii Plans and construction of elementary play-ground (4 acres) and paved playcourts (4). Design Total Funding	R7A			29 29C		29 29C		
54	School Food Services Leilehua High, Oahu Renovate Cafetorium. Design Construction Total Funding	G3K	EDN 405		6 50 56C		6 50 56C		
55	Ewa E. S. Construct serving kitchen-dining room, demoli-tion of old kitchen, ground and site improve-ments Note: plans completed. Construction Total Funding	J3A					350 350C		
56	Honowai E. S. Plan and construct multi-purpose dining room, ground and site improvements Design Construction Total Funding	J6A			10 329 339C		10 329 339C		

57	Ahuimanu Elementary, Oahu Plans and construct multi-purpose dining room	M0D			
	Construction		200		
	Total Funding		200C	C	200C
58	Enchanted Lake Elementary, Oahu Plans and construct multi-purpose dining room	M3A			
	Construction		325		325
	Total Funding		325C	C	325C
59	Kihei School, Maui Plan and construct cafeteria including kitch- en and multi-purpose dining room—supple- mentary	S8B			
	Construction		775		775
	Total Funding		775C	C	775C
60	New Hanalei School Plan and construct kitchen with multi-purpose dining room	WID	EDN	405	
	Design		37		37
	Total Funding		37C	C	37C
61	Miiilani Uka Elem Oahu Plan & construct serving kitchen & dining room	OGB			
	Design		34		34
	Total Funding		34C	C	34C
62	Pohakea E. S. Plan and construct multi-purpose dining room, paved playground ground and site improvements	3JC			
	Design		34		34
	Total Funding		34C	C	34C

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	APPROPRIATIONS (\$1,000's)									
				FY 1975-1976	FY 1976-1977	FY 1975-1976	FY 1976-1977	Total Biennium 1975-1977					
			No.	Org.	No.	C	O	D	E	C	O	D	E
63	Pahoe High & Elem School Puna Hawaii Plans and construction of cafeteria, covered walkway parking (50), equipment and appurtenances, and renovation of old cafeteria to classroom	3PA											
	Design				3								3
	Construction				770								770
	Total Funding				773C								773C
64	Nanakuli II E. S. Plan and construct serving kitchen-multi-purpose dining room. Ground and site improvements												
	Design												42
	Total Funding												42C
65	New Pukalani Elem School, Maui Plan and construct cafeteria	4SB											
	Construction												311
	Total Funding												311C
66	Kalama Uka Elem—Kitchen & Dining Facility Plan & construct kitchen multipurpose dining room	7CB											
	Construction												420
	Total Funding												420C



		EDN	507
67	Institutional Support School Administration Mililani Hi, Oahu Plan & construct administration bldg Design Total Funding	G5H	23 23C
68	Moanalua High, Oahu Plan & construct administration building Design Total Funding	G8F	23 23C
69	Campbell H.S. Plan and construct administration bldg, relocation of utilities, ground and site improvements Design Total Funding	J2D	37 37C
70	Naalehu Elem School, Kau Hawaii Plans and construction—installation of fire hydrants (4) Design Construction Total Funding	IPA	7 55 62C
71	Waimea Elem & Inter School, So Kohala Hawaii Construct administration building and covered walk. Equipment and appurtenances Construction Total Funding	7PA	295 295C
72	Waipahu E.S. Construction of one-story administration and library bldgs, demolition of existing admin- library, ground and site improvements. Construction Total Funding	8JB	101 101C

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	APPROPRIATIONS (\$1,000's)				
				FY 1975-1976	FY 1976-1977	Total Biennium 1975-1977	C	O
73	Waiakea High (Hilo 2nd High) Hilo, Hawaii Plans and construction of administration building	8PA		27		27		
	Design Construction			373		373		
	Total Funding			400C		400C		
74	Public Service Public Libraries Waimanalo Community School Library X05 Plan and construct a facility located on the school campus to service school and community of Waimanalo temperature humidity and acoustical controls with total media capability		EDN 602					
	Construction			358		358		
	Total Funding			358C		358C		
75	Slim and Tac Facilities, Library Services X31 Renovate existing schools for slim and tac branches							
	Design			40		40		
	Construction			200		200		
	Total Funding			240C		240C		
	HIGHER EDUCATION University of Hawaii, Manoa Instruction—UOH, Manoa		UOH 101					

76 Agricultural Sciences Facilities, Phase I 002  
 Agricultural Sciences Facilities, Phase I  
 University of Hawaii, Manoa Campus  
 Construction of classrooms, laboratories and  
 offices for the departments of agricultural en-  
 gineering and entomology of the college of  
 tropical agriculture. Approx. 75,500 GSF:  
 42,700 ASF  
 Construction 795  
 Total Funding 795C C

77 Art Facilities 004  
 Art facilities, University of Hawaii, Manoa  
 Campus  
 Construction of a facility to house the art de-  
 partment, accommodate the 1975 enrollment  
 increase and to provide a remedy for the exist-  
 ing deficiencies within the present instruction-  
 al facilities.  
 Approx. 145,000 GSF: 80,770 ASF  
 Design 10  
 Construction 415  
 Total Funding 425C C

78 General Instructional and Related Facil. 015  
 General instructional and related facilities  
 University of Hawaii, Manoa Campus  
 Construction of a general purpose building con-  
 taining flexible spaces that can be utilized for  
 various purposes such as classrooms, seminar  
 rooms and offices.  
 Approximately 98,000 GSF: 498,000 ASF  
 Construction 1,960  
 Total Funding 1,960C C

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	APPROPRIATIONS (\$1,000's)				
				Org. No.	FY 1975-1976	FY 1976-1977	Biennium 1975-1977	Total
				C D E	C D E	C D E	C D E	
79	George Hall, Renovation and Modernization George Hall, Renovation and Modernization University of Hawaii, Manoa Campus Renovations to accommodate new programs and modernization to update obsolete facilities by improving lighting, acoustics, ventilation and circulation Approximately 47,000 GSF Design Total Funding	022			103 103C			103 103C
80	Improvements to Physical Education Facilities University of Hawaii, Manoa Campus Incremental planning and construction of improvements to provide adequate facilities for the physical education, intramurals, athletic and recreational programs at the rate of approximately 3 acres per year. Design Construction Total Funding	028						13 137 150C
81	Law School Development Law School Development University of Hawaii at Manoa Development of facilities for a law school. Design Construction Total Funding	044						289 240 539C

82	<p>Chemistry Bldg, Ph 1, Basement Renovation          Chemistry Building, Phase 1, Basement Renovation          University of Hawaii, Manoa Campus          Renovations to basement of chemistry building to accommodate machine shops and research laboratories.</p> <p>Construction          Total Funding</p>	<p>135 135C</p> <p>C</p>	<p>135 135C</p>
UOH 102			
83	<p>Organized Research—UOH, Manoa          Astronomy Facilities          Astronomy Facilities, Institute for Astronomy          University of Hawaii, Manoa Campus          Construction of facilities for the institute of astronomy. Containing offices, laboratories, workshops, seminar rooms, conference and reading rooms.          Approx. 61,300 GSF; 36,200 ASF</p> <p>Construction          Total Funding</p>	<p>260 260C</p> <p>C</p>	<p>260 260C</p>
84	<p>Oceanographic and Marine Laboratory          Oceanographic and Marine Laboratory          University of Hawaii, Manoa Campus          Construction of offices, classrooms, laboratories for the Department of Oceanography, HIMB, Dean of Marine programs and Sea Grant College.          Approx. 79,500 GSF; 49,900 ASF</p> <p>Construction          Total Funding</p>	<p>2,454 2,454C</p> <p>C</p>	<p>2,454 2,454C</p>

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	APPROPRIATIONS (\$1,000's)					
				Org. No.	FY 1975-1976	C O D E	FY 1976-1977	C O D E	Total Biennium 1975-1977
85	Mauna Kea Obs. Mid-Level Facilities, Ph2 Mauna Kea Observatory, Mid-Level Facilities, Phase 2 University of Hawaii, Institute for Astronomy Construction of housing, office and laboratory facilities on the slopes of Mauna Kea to ac- commodate observatory personnel. Design Total Funding	119			43 43C				43 43C
86	MEC—Core Storage Building Marine Expeditionary Center, Core Storage Building University of Hawaii, Snug Harbor Construction of a core storage building to house cores presently stored at Keehi and those being transferred to the University from Eniwetok. Design Construction Total Funding	122							
87	Academic Support—UOH, Manoa Hamilton Library, Phase 2 Hamilton Library, Phase 2 University of Hawaii, Manoa Campus Construction of a core stack building addition to the Hamilton Library to provide space for 3,000 additional readers and 1.5 million vol- umes. Included is the renovation of a portion of the Phase 1 basement area for the graduate school of library studies. Approx. 193,400 GSF; 158,000 ASF	176	UOH 104		45 26 71C			C	45 26 71C

88	Construction Total Funding	1,200 1,200C	C	1,200 1,200C
	Institutional Support—UOH, Manoa			UOH 106
	Land Acquisition			230
	Minor Land Acquisition University of Hawaii, Manoa Campus			
	Continuing acquisition of lands adjoining the Manoa Campus to provide sufficient land area for ultimate development of the campus.			
	Land Acquisition	50	C	50
	Total Funding	50C		50C
89	Major CIP Planning			239
	Major CIP Planning, University of Hawaii at Manoa			
	Continuing studies, research, and advanced planning of major facilities and utilities for the Manoa based programs to enable the prepara- tion of more definitive program plans and cost estimates for budgeting and in seeking federal funds.			
	Design	100		100
	Total Funding	100C	C	100C
90	Minor CIP Projects			240
	Minor CIP Projects, University of Hawaii at Manoa			
	Planning, constructing and equipping of minor improvements, including the construction of new facilities as well as modifications to exist- ing structures of the Manoa based programs. Improvements are necessary to provide more efficient utilization of existing spaces and to create new spaces for changing and expanding programs.			
	Design	20		20
	Construction	280		280
	Total Funding	300C	C	300C

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	APPROPRIATIONS (\$1,000's)					Total C O Biennium D 1975-1977 E
				1975-1976		1976-1977		C O D E	
				C	D	C	D		
91	General Utilities and Site Improvements General Utilities, Roads and Site Improvements University of Hawaii at Manoa Incremental planning and construction of utilities, roads and site improvements on the Manoa Campus and Manoa based programs (Research centers and other support areas).	241							
	Design Construction Total Funding			31 469 500C				31 469 500C	
92	University of Hawaii, Hilo Instruction—UOH, Hilo Phys. Ed., Intramural & Athletic Fac., Ph I Physical Education, Intramural & Athletic Facilities, Ph I University of Hawaii at Hilo, Hilo College Incremental construction of physical education, athletic and recreational facilities Approx. 17,400 GSF; 10,000 ASF	301	UOH 201						
	Construction Total Funding			92 92C				92 92C	
93	Classroom Building No. 4 Classroom Building No. 4 University of Hawaii at Hilo, Hilo College Construction of a classroom building for the social sciences and humanities programs. Approx. 20,000 GSF; 15,000 ASF	303							
	Construction Total Funding			1,915 1,915C				1,915 1,915C	



94	307	Physical Sciences Building Physical Sciences Building University of Hawaii at Hilo, Hilo College Construction of a building to house physical sciences programs. Approx. 14,000 GSF; 7,000 ASF							
		Design				76			76
		Construction				40			40
		Total Funding				116C		C	116C
95		Academic Support—UOH, Hilo	UOH	204					
	385	Learning Resources Center Learning Resources Center University of Hawaii at Hilo, Hilo College Construction of a resources center including library, instructional resources, information systems, bookstore, and skills development facilities. Approx. 165,000 GSF; 110,000 ASF							
		Construction				3,340			3,340
		Total Funding				3,340C		C	3,340C
96		Student Services—UOH, Hilo	UOH	205					
	406	Student Housing, Phase 5 Student Dormitories, Phase 5 University of Hawaii at Hilo, Hilo College Construction of a student housing facility to accommodate 256 students. Approx. 63,400 GSF; 42,200 ASF							
		Construction				6,024			6,024
		Total Funding				6,024E		E	6,024E
		Institutional Support—UOH, Hilo	UOH	206					

Item No.	Program and Capital Project	Program ID	APPROPRIATIONS (\$1,000's)					
			FY 1975-1976	FY 1976-1977	Total Biennium 1975-1977	Cap. Proj. No.		
		Org. No.	C O D E	C O D E	C O D E			
97	<p>Faculty Housing Units, Phase I</p> <p>Faculty Housing Units, Phase I</p> <p>University of Hawaii at Hilo, Hilo College</p> <p>Construction of 32 faculty housing units at Hilo College to be shared by all activities under the Hilo chancellor's office.</p> <p>Approx. 15,000 GSF; 10,000 ASF</p> <p>Construction</p> <p>Total Funding</p>					565	565	
	<p>Minor CIP</p> <p>Minor CIP</p> <p>University of Hawaii at Hilo, Hilo College</p> <p>Plans and construction of minor improvements, including construction of new facilities as well as modifications to existing facilities. Modification are necessary to make possible more efficient use of existing spaces and to create new spaces to accommodate changes in programs</p> <p>Design</p> <p>Construction</p> <p>Total Funding</p>					565E	565E	E
98								
	<p>General Utilities, Roads &amp; Site Improvements</p> <p>General Utilities, Roads, and Site Improvements</p> <p>University of Hawaii at Hilo, Hilo College</p> <p>Incremental construction of utilities for major projects, removal, demolition, or relocation of structures, connection of roadways to improve circulation and safety, and to improve various areas for maximum utilization of space</p>							
99								

Design 12  
 Construction 138  
 Total Funding 150C C

100 Parking, Phase I 434

Parking, Phase I  
 University of Hawaii at Hilo, Hilo College  
 Incremental construction of surface parking  
 at Hilo College. First increment—450 cars.

Design 30  
 Construction 470  
 Total Funding 500C C

Honolulu Community College  
 Instruction—Honolulu Community College UOH 301

101 Honolulu CC—Technology Bldg. Phase I A07  
 Supplemental appropriation to complete the  
 construction of the technology building

Construction 800  
 Total Funding 800C C

102 Honolulu CC—Modernization and Renova- A09  
 tion

Modernization and Renovation of Existing  
 Facilities  
 Honolulu Community College  
 Plans, construction, furniture and equipment  
 to modify, renovate and improve existing facil-  
 ities to meet program requirements and pro-  
 vide for the expansion of the college programs.

Design 32  
 Construction 625  
 Total Funding 657C C

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	APPROPRIATIONS (\$1,000's)						
				FY 1975-1976	FY 1976-1977	Total Biennium 1975-1977	C	O	D	E
103	Honolulu CC—Classroom Building Classroom Building—Honolulu Community College Plans, construction, furniture and equipment of a building for general education and transfer programs including classrooms, laboratories, special classrooms and faculty offices. Approximate area 25000 sf. These funds may be used to construct additional floors to the campus center build. and to supplement Act 68, SLH 1971, Item C-124 funds.	A11		1,655		1,655				
	Construction			1,655C		1,655C				
	Total Funding									
104	Honolulu CC—Auto-Body Shop Auto-Body Shop—Honolulu Comm Coll. Plans, construction, furniture and equipment for a building to provide shops, classrooms, offices and special facilities for the auto-body repair program.	A13								
	Design									
	Total Funding									
105	Institutional Support—Honolulu CC Honolulu CC—Site Development Site Development, Honolulu Community College Demolition of existing facilities, clearing, grading, improvements to drainage and utilities, landscaping and additional parking facilities, and service roadways.	A74	UOH 305							
	Design			92		92				
	Total Funding			92C		92C				

35  
305  
340C

C

35  
305  
340C

A75

106 Honohlu CC—Parking Facility  
Parking Facility, Honohlu Community College  
Construction of parking structure for 500 cars.  
Estimated gross area—22,5000 sq. ft.

188  
188E

E

188  
188E

UOH 315  
UOH 315

Kapiolani Community College  
Institutional Support—Kapiolani CC

B04 315

107 Kapiolani CC—New Campus Development  
New campus at Fort Ruger—Development of  
educational plans, specifications and master  
plan for 6000 capacity campus. Development  
to consist of site development, science lab-  
oratories, classrooms, offices, learning-re-  
sources center, campus center, vocational and  
business education facilities, and physical edu-  
cation facilities. Kapiolani CC will be phased  
out as the new campus is developed.

280  
1,578  
1,858C

C

280  
1,578  
1,858C

B05

108 Kapiolani CC—Renovation of Existing Fac.  
Renovation of existing facilities at Fort Ruger.  
Renovation of existing facilities for temporary  
classrooms, offices, laboratories, library and  
other academic and support facilities to begin  
new campus, including site development and  
improvement to utilities. These funds may be  
used to renovate existing facilities at Kapiolani  
and Leahi Hospital to accommodate the college  
programs.

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	APPROPRIATIONS (\$1,000's)				
				FY 1975-1976	FY 1976-1977	Total Biennium 1975-1977	C	O
	Design			55		55		
	Construction			1,295		1,295		
	Total Funding			1,350C		1,350C		
	Leeward Community College							
	Instruction—Leeward Community College		UOH 321					
109	Leeward CC—Gen. Instructional Fac. C-3	L03						
	Leeward Community College—General instructional facilities							
	Supplemental appropriation for the construction of building C-3 to provide laboratories, classrooms, and offices.							
	Construction			450		450		
	Total Funding			450C		450C		
110	Leeward Comm. Coll.—Conversion of Exist. Fa	L05						
	Conversion of existing facilities, Leeward Community College							
	Conversion, modifications and renovations of existing facilities to accommodate program requirements.							
	Design			45		45		
	Total Funding			45C		45C		
111	Leeward CC—Engr. Trades Bldg. D-3 & D-4	L06						
	Engineering trades buildings D-3 and D-4, Leeward Comm. College.							
	Plans, construction, furniture and equipment of a 25,000 sq. ft. building for the vocational-technical programs. Unexpended balances in Act 68, SLH 1971, Item C-132 may be used for this purpose.							

I  
IC

C

I  
IC

Construction  
Total Funding

112 Leeward CC Food Svc Instructional Lab L99  
Construction of a food service instructional facility to meet current and projected "on the job" requirements.

500  
500C

500  
500C

Construction  
Total Funding

Windward Community College  
Institutional Support—Windward CC UOH 335

113 Windward CC—New Campus W01  
Windward Community College—New Campus Development

Plans, construction and equipment for the incremental development of a new campus. Initial development for approximate enrollment of 2000. Campus to be designed for 5000.

2,103  
2,103C

2,103  
2,103C

Construction  
Total Funding

114 Windward CC—Development of College W03  
Plans and construction to renovate existing facilities at Hawaii State Hospital for Windward Community College, including parking facilities and improvements to utilities, and site improvements.

77  
660  
737C

77  
660  
737C

Design  
Construction  
Total Funding

Item No.	Program and Capital Project	Cap. Proj. No.	-Program ID	APPROPRIATIONS (\$1,000's)				
				FY 1975-1976	FY 1976-1977	Total Biennium 1975-1977	C	D
115	Hawaii Community College Instruction—Hawaii Community College New Shops & Classroom Bldgs on Hilo Campus University of Hawaii at Hilo, Hawaii—Community College Construction of new mechanical trades, building trades, business and distributive education, restaurant training and other para-technical trades buildings on the Hilo Campus site.	H08	UOH 401	15 1,203 1,218C		15 1,203 1,218C		
116	Maui Community College Student Services—Maui Community College Maui CC—Student Housing Maui Community College—Student housing plans, construction and furnishing for approximately 150-bed student housing. Funds may be used to purchase student housing units constructed by turn-key construction.	M63	UOH 504					
117	Institutional Support—Maui Community College Maui CC Minor Capital Improvements Minor capital improvements—Maui Community College Plans and construction, furniture and equip-	M50	UOH 505	124 1,056 1,180E		124 1,056 1,180E		



ment for new construction and modifications and improvements to existing facilities

Design	15	
Construction	35	
Total Funding	50C	C

M76

Maui CC—Maintenance Facility  
 Maui Community College—Maintenance facility  
 Plans, construction, furniture and equipment for a facility to provide space for storing maintenance equipment and supplies, servicing and repairing small equipment and central storage.

Design	30	
Construction	260	
Total Funding	290C	C

118

Kauai Community College  
 Instruction—Kauai Community College UOH 601

K06

Kauai CC—Instructional Facilities  
 Kauai Community College—Instructional facilities  
 Plans and incremental construction of instructional facilities, including classrooms, special classroom laboratories, shops, offices, support facilities, furniture and equipment for the new campus at Puhi

Design	26	
Construction	1,403	
Total Funding	1,429C	C

119

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	APPROPRIATIONS (\$1,000's)					
				FY 1975-1976	FY 1976-1977	Total Biennium 1975-1977	C O D E	C O D E	
120	Public Service—Kauai Community College		UOH	602					
	Kauai CC—Community Service Facilities	K51							
	Kauai Community College—Community service facilities								
	Plans, construction, furniture and equipment for facilities to accommodate the community service programs including extension services to consist of classrooms, lecture, demonstration and meeting rooms, specialized classrooms and offices. Phase II—community theatre								
	Design					35			35
	Total Funding					35C		C	35C
121	Academic Support—Kauai Community College		UOH	603					
	Kauai CC—Academic Support Facilities	K61							
	Kauai Community College—Academic support facilities								
	Plans, construction, furniture and equipment for offices and support facilities for the college administration services.								
	Design					123			123
	Construction					325			325
	Total Funding					448C		C	448C
122	Student Services—Kauai Community College		UOH	604					
	Kauai CC—Student Housing	K71							
	Kauai Community College—Student housing Plans, construction and furnishing for approx. 150-bed student housing for the new campus.								

Funds may be used to purchase student housing units constructed by turn-key construction.

Design	130	
Construction	1,500	
Total Funding	1,630E	E

Institutional Support—Kauai CC UOH 605

Kauai CC—Site Development K&I

Kauai Community College—Site development Plans and incremental construction for the development of the new campus, including clearing, grading, utilities, roadways, parking, landscaping and athletic fields.

Design	112	
Construction	1,261	
Total Funding	1,373C	C

University of Hawaii System-Wide Support Institutional Sppt—UOH, System-Wide Sp UOH 903

Cancer Center of Hawaii CCI

Construction of a cancer center to be built on the Queens Hospital grounds. Funds to be expended by the Research Corporation, University of Hawaii.

Construction	250	
Total Funding	250C	C

West Oahu College Instruction—West Oahu College UOH 701

West Oahu College W02

Plans and construction for temporary facilities, including purchasing, leasing, renting, relocation and renovation of existing facilities. Prior appropriations in Act 218, SLH 1974, Item G-148 may be used to supplement this appropriation.

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	APPROPRIATIONS (\$1,000's)					
				FY 1975-1976	FY 1976-1977	Biennium 1975-1977		Total	
		No.	Org.	No.	FY 1976-1977	C D E	C D E	C D E	
126	Design				10			10	
	Construction				90			90	
	Total Funding				100C		C	100C	
	Institutional Support—West Oahu College		UOH	706					
	West Oahu College								
	Plans and construction for temporary facilities including the purchase, lease, rental, relocation and renovation of existing facilities.								
	Design				10			10	
	Construction				90			90	
	Total Funding				100C		C	100C	
<b>H. CULTURE AND RECREATION</b>									
<b>CULTURAL ACTIVITIES</b>									
Collections, Historical Sites and Studies									
	LNR—Historical & Archaeological Places		LNR	801					
1	Statewide Historic Preservation Program								
	Incremental development of comprehensive statewide historic preservation survey and plans and incremental research, acquisition and preservation of Hawaii's historic places, structures and objects.								
	Land Acquisition				50			50	
	Total Funding				50C		C	50C	
2	Iolani Palace Restoration								
	Incremental research, planning, preservation, restoration and interpretation of Iolani Palace, barracks, grounds, and appurtenances as an historic restoration complex.								

Design 150  
 Construction 1,250  
 Total Funding 1,400C

C

F14

3 Kealakekua Bay

Incremental acquisition, planning and research for a major park comprising the most important historic and archaeological place in the entire state. Planning and research will be followed by park development, continued research and interpretive facilities. The project is timed so that the key facilities will be in operation by 1978, the 200th anniversary of Captain Cook's landing.

Land Acquisition 300  
 Total Funding 300C

C

F22

4 Halawa Valley

Land acquisition, research, plans and development of a major state park. Preservation of scenic and historic values, development of interpretive program and recreation facilities for hiking, camping, picnicking and some water recreation activities. Terminus of scenic coastal road and gateway to a rich wilderness area.

Land Acquisition 240  
 Total Funding 240C

C

F23

5 Puu O Mahuka Heiau

Research & interpretation of existing park-landscaping and access improvement. Land acquisition to maintain the integrity of the site

Land Acquisition 100  
 Total Funding 100C

C

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	APPROPRIATIONS (\$1,000's)						
				FY 1975-1976	FY 1976-1977	Total Biennium 1975-1977	C	O		
			Org.	No.						
	RECREATIONAL ACTIVITIES									
	Outdoor Activities									
	Inland-Based Activities		LNR	804						
6	Hawaii Game Management Facilities									
	Incremental development of game management facilities including construction of hunter access roads, game water units, game range improvements, exclosures, hunter facilities, signs and markers.									
	Construction						5			5
	Total Funding						5C			5C
7	Honolulu Game Management Facilities									
	Incremental development of game management facilities including construction of hunter access roads, game water units, game range improvements, exclosures, hunter facilities, signs and markers.									
	Construction									
	Total Funding									
8	Importation of Gamebirds to Hawaii									
	Importation of game birds to the island of Hawaii including selection of species, search for stock, preparation of environmental impact statement if required, request for and approval of importation permits, preparation of regulation for importation, public hearing process, acquisition of stock, release and follow up to assess success.									
	Construction						10			10
	Total Funding						10C			10C
	Construction									
	Total Funding									

9 Forest Reserve Rights-of-Way Acquisition D10

The need for public access to state forest reserve lands has been identified in fifty sites. Rights-of-way will provide public access by road or trail. Appropriations will provide funds for the acquisition process, including hiring surveyors, land appraisers & other consulting svcs and fund for initial incremental purchase of rights-of-way. Total cost of acquisition program to be determined by study.

Land Acquisition 250  
 Total Funding 250C C 250 250C

10 Kahana Valley State Park F57

Incremental Development including historic restoration, water features, and other recreation and cultural and heritage opportunities per master plan.

Design 43  
 Construction 1,125  
 Total Funding 1,168C C 43 1,125 1,168C

11 Homomolino State Park F63

Provide a wilderness park. Acquire land inholdings and develop minimal waste disposal facilities, trails and signs.

Land Acquisition 100  
 Total Funding 100C C 100 100C

DOT—Ocean Based Activities TRN 801

12 Haleiwa Boat Harbor Oahu O40

Plans and construction to continue development of the light draft harbor to accommodate additional craft. Develop boat harbor using master plan as a guide. Possible federal aid anticipated during the planning period is approximately \$200,000.

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	Org. No.	APPROPRIATIONS (\$1,000's)			Total Biennium 1975-1977 E.
					FY 1975-1976	FY 1976-1977	Total	
					C	D	C	
	Design				78		78	
	Construction				372		372	
	Total Funding				450D	D	450D	
13	Waianae Boat Harbor Oahu	050						
	Construction of a new all weather marina on the Ewa shoreline fronting the Waianae regional park consisting of dredging entrance channel & boating area, & construction of breakwater, groin, rockwall, moorings & shoreline facilities & other improvements. Funds from Act 68, SLH 1971, Item A-43 may be used to supplement this appropriation.							
	Design				40		40	
	Construction				195		195	
	Total Funding				235D	D	235D	
14	Statewide Improvements to Boating Fac.	01S						
	Improvements to existing boat launching facilities and construction of new boat launching ramps and supporting facilities incl land acquisition & studies of possible new sites. Design & constr of boat launch fac throughout State using master plan guide, provided that \$55,000 shall be for design & construction of additional launch ramp & dock at Keehi Boat Launching Ramp							
	Design				46		46	
	Construction				224		224	
	Total Funding				270D	D	270D	



15	<p>Maalaea Boat Harbor Improvements Maui Additional facilities and other improvements to develop the existing boat harbor including marginal wharf extension, paving, sprinkler, utilities, planning and other improvements. Federal-State project to modify harbor including navigational changes and additional mooring fac. Possible federal aid anticipated in the planning period is approximately \$755,000</p>	02M	<p>Design 60 Construction 290 Total Funding 350D</p>	D
16	<p>Statewide Sewage System Imprv to Boats Fac. Study and implementation of a statewide sewage system for recreational harbors and boating facilities. Implementation costs are dependent upon study findings and recommendations.</p>	02S	<p>Design 43 Construction 207 Total Funding 250D</p>	D
17	<p>New Lahaina Boat Harbor Maui Construction of a new marina between the extension of Lahainaluna Street and Papalaua Street. Dredging entrance and access channel, basin, portion of berthing area; construct wave absorber, breakwater bulkhead, wharf, mole, paving, mooring, shore facilities &amp; other improvements. Possible federal aid anticipated in the planning period is approximately \$1,440,000.</p>	04M	<p>Design 168 Construction 806 Total Funding 974D</p>	D

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	Org. No.	APPROPRIATIONS (\$1,000's)				
					FY 1975-1976	FY 1976-1977	FY 1977-1978	Total Biennium 1975-1977	Total Biennium 1977-1978
18	LNR—Ocean-Based Activities Nuu Bay Acquisition and development of this bay. The site is of archaeological value, offers limited opportunities for water recreation activities and is the last known recreation resource on the existing road from Kaupo to Ulupalakua.	F08	LNR	805	100 100C			100 100C	
19	Sand Island State Recreation Area Incremental development of beach park, plans and construction	F70							
20	Design Construction Total Funding Makua-Kaena Point State Park Incremental acquisition of private lands, development of beach parks from Makua to Mokuia	F72			118 563 681C			118 563 681C	
21	Land Acquisition Total Funding Makana-Laperouse State Park Incremental acquisition of land and development of master plan. Protection of archaeological and biological features. Eventual expansion of the park to interpret these features and expand recreation opportunities	F73			800 800C			800 800C	
	Land Acquisition Total Funding				500 500C			500 500C	

22	<p>Haena Beach State Park                  Incremental acquisition of land and incremental development as overnight campground, picnic area, swimming beach, hiking trails. Development to be low density and rustic so as not to detract from values of site. Sufficient parking for hikers</p>	F74	<p>Land Acquisition                  Design                  Construction                  Total Funding</p>	<p>40                  15                  310                  365C</p>	C
	<p>Spectator Events and Shows</p>			<p>40                  15                  310                  365C</p>	C
	<p>Stadium Locker Room Facilities Construction                  To construct stadium locker room facilities</p>	BF1		<p>20                  258                  278C</p>	C
	<p>Spectator Events and Shows</p>			<p>20                  258                  278C</p>	C
	<p>Stadium Parking Lot Improvements                  To complete stadium parking lot with paving, necessary landscaping and lighting</p>	BF2		<p>47                  753                  800C</p>	C
	<p>Design                  Construction                  Total Funding</p>			<p>47                  753                  800C</p>	C
	<p>Baseball &amp; Football Admin Office                  For construction of administrative offices for the stadium's permanent tenants on the second level and other stadium improvements.</p>	BF3		<p>365                  365C</p>	C
	<p>Construction                  Total Funding</p>			<p>365                  365C</p>	C

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	APPROPRIATIONS (\$1,000's)				
				FY 1975-1976	FY 1976-1977	Total Biennium 1975-1977	C	D
26	Security and Safety Systems Closed circuit TV, lock system, and vault for tickets and receipts. For reconstruction of rail- ing.	BF4		150 150C	C	150 150C		
<p><b>I. PUBLIC SAFETY</b></p> <p><b>SAFETY FROM CRIMINAL ACTIONS</b></p> <p>Confinement</p> <p>Hawaii State Prison</p>								
1	Corrections Master Plan Phase I Oahu intake service center/community correc- tional center phased construction option A Phase I CCC residential and program area		SOC 402					
	Construction Total Funding			1,002 1,002C	C	1,002 1,002C		
2	Corrections Master Plan Phase II Oahu intake service center/community correc- tional center phased construction option A Intake service center							
	Construction Total Funding			2,506 2,506C	C	2,506 2,506C		

3	Adult Community Correctional Facilities Interim Hawaii Comm Corr Fac	SOC	405		
	Interim Hawaii Comm Corr Facility		114		
	Hawaii ISC/CCC for the construction of six (6) additional individual rooms/cells and to roof/cells and to roof the open recreation and sallyport areas.				
	Construction		119		119
	Total Funding		119C	C	119C
4	Interim Oahu Comm Corr Fac	SOC	407		
	Corr Master Plan High Security Facility		116		
	Hawaii State correctional master plan conversion of Honolulu jail to Oahu high security facility to be three 36-man and one 13-man high security modules. Design permits further division into smaller residency units of 5-10 individuals for maximum security control for residents and staff plus allowing and maximizing differential program autonomy and program effectiveness in different modules.				
	Construction		3,555		3,555
	Total Funding		3,555C	C	3,555C
5	SAFETY FROM PHYSICAL DISASTERS Natural Disasters Prevention of Natural Disasters	LNR	810		
	Kahului Flood Control Project Maui		G38		
	Kahului Flood Control Project, Maui Plans and construction of flood prevention and control facilities including land acquisition				
	Design		110		110
	Total Funding		110C	C	110C

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	APPROPRIATIONS (\$1,000's)					Total Biennium 1975-1977
				Org.	No.	FY 1975-1976	FY 1976-1977	Total	
						C O D E	C O D E		
6	Dredging Ala Wai Canal	G42							
	Design				75			75	
	Construction				1,500			1,500	
	Total Funding				1,575C		C	1,575C	
7	Man-Made Disasters Prevention of Man-Made Disasters		DEF	111					
	Relocate Vehicle Storage Building, Maui	A15							
	Relocation of a 40 x 100 metal prefabricated vehicle storage building from its present location on Hawaii home land and reconstruction at a new location inside the Hawaii Army National Guard vehicle maintenance shop compound at Paukukalo, Maui, Hawaii.								
	Design				4			4	
	Construction				45			45	
	Total Funding				49C		C	49C	
8	Army National Guard Armory, Kohala, Hawaii	A19							
	Planning and construction of a special designed armory facility of permanent steel and masonry type construction, containing approximately 7,500 square feet, and including all utilities, access road, parking areas, security fencing, and other supporting features.								
	Design				30			30	
	Construction				300			300	
	Total Funding				132C		C	132C	
					198N		N	198N	

A23

9 Additional Improvements at Waiawa Armory  
 Planning and construction of additional im-  
 provements at the Waiawa National Guard  
 Armory for which funds were not available in  
 the original construction, including approxi-  
 mately 20,000 square feet of off-street parking  
 area, 700 lineal feet of chain-link security  
 fencing, additional landscaping, and other im-  
 provements.

Design	10
Construction	53
Total Funding	63C

C

DEF 112

Amelioration of Man-Made Disasters

C12

10 Replacement of Disaster Warning Sirens  
 Incremental replacement of civil defense  
 disaster warning sirens, statewide, worn out  
 and unserviceable due to age, use and exposure.  
 This is a continuing program from year to year.  
 Federal matching funds are reimbursable to the  
 state.

Construction	32
Total Funding	16C 16N

C N

C13

11 Additional Disaster Warning Sirens  
 Incremental installation of additional civil de-  
 fense disaster warning sirens, statewide, to ex-  
 pand the coverage of warning system to keep  
 pace with new developments, growth of com-  
 munities and population shifts. This is a con-  
 tinuing program from year to year. Federal  
 matching funds will be reimbursed to the State.

Construction	34
Total Funding	17C 17N

C N

Item No.	Program and Capital Project	Program ID	APPROPRIATIONS (\$1,000's)					
			Cap. Proj. No.	Org. No.	FY 1975-1976	FY 1976-1977	Total Biennium 1975-1977	
					C O D E	C O D E	C O D E	
<b>K. GOVERNMENT-WIDE SUPPORT</b>								
	<b>EXEC DIRECTN, COORD, &amp; POLICY DEVELOPMEN</b>							
	Office of the Governor	GOV	100					
1	Project Adjustment Fund		G01					
	To establish a contingency fund for project adjustment purposes subject to the provisions of the appropriations act.							
	Design			3,000			3,000	
	Total Funding			3,000C		C	3,000C	
2	Policy Development and Coordination							
	Land Use, Physical Plan and Coordination		PED	101				
	Comprehensive Development Planning State-wide							
	Comprehensive development planning, state-wide—Continuous investigation, research, updating and coordination of statewide development plans, community development programs, and planning projects to implement major recommendations of general plan revision program and to assist county planning programs. May be matched or augmented by federal funds as available							
	Design			600			600	
	Total Funding			200C		C	200C	
				400N		N	400N	



3 Coastal Zone Management Project—State-wide CP2

For establishment of State policy and development of statewide program for the management, beneficial use, protection and development of the land and water resources of the State's coastal zones. Funds may be matched by federal funds as available.

Design		
Total Funding	450	450
	150C	150C
	300N	300N
	C	C
	N	N

GENERAL SERVICES  
Property Management LNR 101  
Public Lands Management

4 Waimanalo Development, Oahu E04  
Ongoing program—Primarily drainage. House-lots to be developed by HHA.

Design		
Total Funding	50	50
	50D	50D
	D	D

5 Sand Island E07  
Ongoing project. Design being prepared for park and industrial complex. Prior years include consultant services and soil study. Engineering drawings in preparation for access parkway to bid in calendar 1975. Design for closed and lined box drain across foreign trade zone 1975-76; construction 1976-77.

Design		
Construction	70	70
Total Funding	2,500	2,500
	2,570C	2,570C
	C	C

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	APPROPRIATIONS (\$1,000's)						
				FY 1975-1976	FY 1976-1977	Total Biennium 1975-1977	C O D E	C O D E	C O D E	
6	Keakehe Houselots Preliminary plans completed. Change of zoning approved by land use commission. County of Hawaii has approved residential use. 42 lots proposed for 1st increment & design contract has been let. Subdivision plan to Hawaii County for tentative approval.	E09		150 150D			150 150D			
7	Wailua Houselots Development (Mango Grove and Reservoir Lots). 28-lot Mango Grove increment completed. Lots to be sold 1974-75 FY. Reservoir lots. Increment in preliminary planning.	E13								
8	Kohala-Hamakua Houselots Study to be made to evaluate need for house-lots in Kohala-Hamakua area. Preliminary plans for development in Kohala completed. Design for 40 houselots at Kahei, North Kohala completed and approved by Hawaii County.	E18		20 20D			20 20D			
9	New State Office Bldg No. 1 Phase 3 Continued incremental development of state office building no. 1, including parking garage,	A17	AGS 221							

	landscaping and demolition of existing buildings.				
	Construction	1,946		1,946	
	Total Funding	1,946C			C
10	Vineyard Garage, Oahu Land acquisition to supplement prior appropriation.				
	A18				
	Land Acquisition	106		106	
	Total Funding	106C			C
11	Pearl City Civic Center Expansion of the civic center and a new State office building to provide office space for various State agencies.				
	A30				
	Land Acquisition	644		644	
	Total Funding	644C			C
12	Shafter Flats Development Inc II Construction of a record storage facility for the archives division, and continued construction of central services division and the surplus property branch facilities. To include purchase of furniture and equipment.				
	A36				
	Design	10		10	
	Construction	107		107	
	Total Funding	117C			C
13	New State Office Bldg. No. 2 Des. and Const A new State office building in the Capitol complex including parking. Two phases, loft space and interior work				
	A40				
	Design	193		193	
	Total Funding	193C			C

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	APPROPRIATIONS (\$1,000's)							
				Org.	No.	FY 1975-1976	FY 1976-1977	Total Biennium 1975-1977			
						C	D	E	C	D	E
14	Wahiawa Civic Center, Oahu Expansion of the civic center and a new State office building to provide space for various State agencies	A42				217			217		
	Land Acquisition					71			71		
	Total Funding					288C			288C		
15	Addition to Lihue S. O. Bldg. Des. and Cons Additional offices on the third floor of the State office building	A46									
	Design					20			20		
	Total Funding					20C			20C		
16	Maint and Svc Facil Hilo DAGS maintenance building and related work. Complex developm and first increment design and construction	A52									
	Design										
	Total Funding										
17	Makawao-Paia Civic Center A new site and State office building to accommodate various State agencies	A78									
	Design					52			52		
	Total Funding					52C			52C		
18	Capitol Mall Extension and Traffic Impr. Roadway improvements in the Mauka portion of the State capitol complex, to include landscaping of the mall extension.	A79									
	Land Acquisition					195			195		
	Total Funding					195C			195C		

19	Design Construction Total Funding	5 15 20C	C	5 15 20C
	Kalihi-Palama Civic Center New site and State office building to house various State agencies			
	A90			
20	Design Total Funding	92 92C	C	92 92C
	Remodeling State Office Spaces Remodeling and upgrading State office spaces statewide, to include remodeling and renova- tions of offices for the state legislature.			
	A91			
21	Design Construction Total Funding	18 178 196C	C	18 178 196C
	Advance Planning, Statewide To prepare reports such as system develop- ment, project development, site selection, State capitol complex policy committee, staff study, CIP assistance, building inventory, State capi- tol complex plan review, office space inventory, office space layout, analysis of lease request, analysis of office space request in State build- ings and other planning projects. From FY 1975-76 to 79-81.			
	A92			
22	Design Construction Total Funding	80 80C	C	80 80C
	Waimea Civic Center, Hawaii and Increment Site development, parking and landscaping and work on State office buildg no. 1			
	A93			
	Design Construction Total Funding	17 200 217C	C	17 200 217C

Item No.	Program and Capital Project	Cap. Proj. No.	Program ID	APPROPRIATIONS (\$1,000's)											
				1975-1976					1976-1977					Total	
				FY	C	D	E	FY	C	D	E	Biennium	C		
23	Shafter Flats Development Inc III Construction of a general storage facility and to supplement prior Shafter flats development funding as required. Also to purchase easement.	A94	Org. No.	1975-1976	C	D	E	1976-1977	C	D	E	1975-1977	C	E	
	Land Acquisition													10	
	Design													71	
	Construction													976	
	Total Funding													1,057C	
24	Renovation of Kekuaanaoa Bldg Renovation of Kekuaanaoa Bldg for new occupants	B02													
	Construction													612	
	Total Funding													612C	
25	Hale Aumau and II Buildings, Renovations State capitol complex renovation for tax dept expansion	B03													
	Construction													142	
	Total Funding													142C	
26	Renovation of Kamamalu Bldg Renovation of Kamamalu Bldg for new occupants	B04													
	Construction													217	
	Total Funding													217C	

## PART V. SUPPLEMENTAL APPROPRIATION

SECTION 89. The following sums or so much thereof as may be necessary are appropriated to fund the programs as designated during the fiscal years 1975-76 and 1976-77:

	FY 1975-76	FY 1976-77	Total Biennium 1975-77
<b>ECONOMIC DEVELOPMENT</b>			
To provide funds to continue the Opihi Research Project (PED 102)	15,000A	—	15,000A
To provide funds for purposes related to inter-island passenger and vehicular ferry services (PED 105)	150,000A	—	150,000A
To provide funds for Hawaii celebration in the International Ocean Exposition, Okinawa, Japan (PED 105)	35,000A	—	35,000A
Funds for horticulture consultant to advise Hawaii ornamental growers of latest techniques (PED 102)	5,000A	—	5,000A
Animal sterilization Grant-in-aid to the Hawaii Humane Society for free animal sterilization program provided that matching funds are made available by the City and County of Honolulu or any other county for the purposes for which this sum is appropriated (AGR 131)	15,000A	—	15,000A
To fund the Young Farmers' Program Statewide (AGR 151)	50,000A	—	50,000A
<del>To provide funds for the Governor's Agricultural Coordinating Committee for Improving the organization and coordination of agricultural programs. The administrative director to the Governor shall be the chairman of the Agricultural Coordinating Committee which shall be established by the Governor; provided that the Agricultural Coordinating Committee shall include the director of planning and economic development, the chairperson of the board of agriculture, the chairperson of the board of land and natural resources, the director of transportation, the chairperson of the Hawaiian Homes Commission, the dean of the college of Tropical Agriculture at the University of Hawaii, and two persons from the public; provided further that the Agricultural Coordinating Committee shall prepare and propose to the Governor, a state agricultural policy which upon approval of the Governor, shall serve as a guide for agricultural development in the State; coordinate and monitor all state agencies in duties and responsibilities relating to agriculture generally; review allocations for agricultural programs; conduct</del>	<del>147,000A</del>	<del>—</del>	<del>147,000A</del>

**ACT 195**

~~studies which may include contracting for such services; and recommend to the Governor programs which represent the most effective allocation of resources; provided further the chairman of the Agricultural Coordinating Committee may hire necessary staff without regard to state personnel laws (GOV 102) [Vetoed]~~

To provide funds for a feasibility study of water resources and development for agricultural use in the central Oahu area (LNR 161)	50,000A	—	50,000A
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<del>To provide funds for the establishment of an office of tourism within the department of planning and economic development for administrative purposes only; provided the governor shall appoint a director of tourism in accordance with section 26-34, Hawaii Revised Statutes; provided further that the director of tourism shall be responsible for coordinating and providing direction for tourist related activities and resources in both the public and private sectors, and developing a ten-year preliminary controlled growth plan for tourism which shall be submitted to the 1976 Legislature; provided further the director of tourism may hire necessary personnel without regard to state personnel laws or may contract for services (PED 113) [Vetoed]</del>	100,000A	—	100,000A
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To provide funds for a feasibility study on the desirability of a manganese nodule processing industry (PED 201)	100,000A	—	100,000A
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To provide funds to Kona coffee processors (AGR 151)	25,000A	—	25,000A
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To provide funds for research and development of alternate energy sources for Hawaii (PED 201)	368,000A	514,000A	882,000A
	495,000C	410,000C	905,000C

To conduct research on the Coordinated production of fruit, pharmaceuticals and animal feed from pineapple plants (PED 102)	306,000A	—	306,000A
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**EMPLOYMENT**

To provide funds for the establishment of an interim committee to reduce unemployment pursuant to H.C.R. 81, Regular Session of 1975 (LBR 151)	10,000A	—	10,000A
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To provide funds for occupational safety and health act workshop (LBR 141)	5,000A	—	5,000A
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To provide funds for a comprehensive review of major employee benefit programs. Provided that the department of labor shall contract with the legislative reference bureau to conduct the review. (LBR 902.)	50,000A	—	50,000A
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**ENVIRONMENTAL PROTECTION**

To provide funds for a vegetation analysis of the State's mamane forest ecosystems to determine their age structure, and their carrying capacity for game mammals (LNR 401)	25,000A	—	25,000A
Appropriation to implement Chapter 57. Hawaii Revised Statutes titled Urban Design (PED 211)	250,000A	—	250,000A
To provide for public service media announcements (REG 701)	15,000A	—	15,000A
To provide funds for the acquisition of lands for public rights-of-way and public transit corridors (LNR 101)	1,000,000C	—	1,000,000C
To provide funds for solid waste management demonstration projects (GOV 401)	2,000,000A	—	2,000,000A
To provide funds for a youth conservation corps program (LNR 906)	25,000A	—	25,000A

**HEALTH**

To provide funds for the operation of the suicide and crisis center (HTH 401)	15,832A	38,000A	53,832A
To provide funds for the operation of the Kalihi-Palama Mental Health Center (HTH 430)	21,960A	2,360A	24,320A
To create an Executive Director's position for the alcoholism program at the Hawaii State Hospital (HTH 430)	(1.00) 16,000A	(1.00) 16,000A	(1.00) 32,000A
To provide funds for the Hawaii Committee on Alcoholism, Occupational, Industrial Consultant Program (HTH 430)	68,000A	—	68,000A
To expand the operation of the Wahiawa Child Development Center (HTH 595)	(1.25) 10,610A	(1.25) 11,847A	(1.25) 22,456A
Grant-in-aid to Kauikeolani Children's Hospital Poison Information Center (HTH 611)	25,000A	—	25,000A
To establish a pilot health project for nursing services on Lanai (HTH 902)	25,000A	—	25,000A
Establishment, maintenance of Sex Abuse Center. Grant-in-aid to Kapiolani Hospital (HTH 907)	200,000A	—	200,000A
<del>To provide funds for the transfer of the Hilo Day Activity Center for the Adult Retarded to the department of health. The department of health shall assume responsibility for all matters pertaining to the planning, construction and improvement of the center and shall operate and manage the center and perform all acts necessary or convenient to such management and control; provided that the employees of the center shall be transferred to the department of health and shall thereafter be state employ-</del>	<del>109,678A</del>	<del>—</del>	<del>109,678A</del>

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ees and enjoy all the rights, privileges and benefits of employees of the state; provided further that the director of personnel services shall determine the applicability of chapters 76 and 77, Hawaii Revised Statutes, to the transferred employees and shall assign the positions of such employees to the appropriate class in the position classification plan and receive such appropriate compensation; provided further that the real and personal property of the center used in the functions transferred shall be transferred to the department of health without reimbursement (HTH 594) [Vetoed]

To provide funds for breast cancer detection project (HTH 907)	75,000A	65,000A	140,000A
To provide fund for day activity program for the developmentally disabled—Funds to maintain current day activity programs for the developmentally disabled on the islands of Hawaii, Kauai, Maui and for expansion of programs on Oahu for the following agencies: Fort Ruger, Goodwill Industries, Oahu; Brantley Center, Kona Crafts, and Hilo Care Center, Kalima o Maui, and Rehabilitation Unlimited Kauai (HTH 595)	95,871A	96,831A	192,702A
To provide funds for drug abuse rehabilitation and treatment programs as follows: YMCA, Drug addiction, Services of Hawaii, Palama Settlement, Habilitat, and Hale O'Ulu and Teen challenge (GOV 866)	314,089A	349,179A	663,268A
To provide funds for Alcohol Treatment programs as follows: Salvation Army Social Service Center, Hawaii Committee on Alcoholism, Sand Island Halfway House, Hina Mauka, Waipa and Akahi Alcoholism Therapy Centers, Alcoholism Treatment Facility and Lanakila Crafts (GOV 866)	161,299A	161,299A	322,598A
To provide funds for grant-in-aid to the Arthritis Center for its operations to be expended by the Department of Health (HTH 151)	60,000A	60,000A	120,000A

**HUMAN RESOURCES**

To provide funds to continue the operation of the Inter-agency Council at Kuhio Park Terrace (SOC 131)	17,150A	—	17,150A
To expand the Quick Kokua project at Windward Schools (GOV 862)	100,000A	—	100,000A
To provide coordination and development of Leeward immigration services (GOV 862)	26,000A	—	26,000A
To develop a coordinated comprehensive elderly program in the Kalihi-Palama area (BUF 602)	276,000A	—	276,000A
To maintain the Kalihi-Palama area wide op-	151,000A	—	151,000A

portunities congregate dining program at its present level of service (BUF 602)			
To provide for the establishment of the North Shore area wide opportunities congregate dining program (BUF 602)	100,000A	—	100,000A
To provide funds for the establishment of additional congregate dining programs (BUF 602)	49,000A	—	49,000A
To provide exemption from payment of tuition and fees at the University of Hawaii for senior citizens (BUF 602)	30,000A	—	30,000A
Appropriation to expand preventive and corrective treatment of child abuse and neglect (SOC 102)	58,000A	—	58,000A
<del>To provide funds for the establishment of an Executive Office of Aging within the office of the governor (GOV 102); provided that the governor shall appoint a director of the Executive Office on Aging without regard to chapters 76 and 77; provided further that the director of the Executive Office on Aging shall serve as the principal official in state government solely responsible for the performance, development and control of programs, policies, and activities on behalf of the elderly and oversee, supervise and direct the performance of such activities as planning, evaluation, and coordination of elderly programs and develop a statewide service delivery network; provided further, that the Commission on Aging shall serve in an advisory capacity to the director until otherwise provided by law; provided further that the present staff of the Commission on Aging subject to state civil service laws shall serve as the staff for the director of the Executive Office on Aging (GOV 102) [Vetoed]</del>	<del>278,808A</del>	—	<del>278,808A</del>
To provide funds for Multi-phasic health screening for the elderly (BUF 602)	120,465A	—	120,465A
To provide funds for increased outreach services for the elderly (BUF 602)	174,447A	—	174,447A
To provide funds for a feasibility study on the Hawaii income assurance system as proposed in the comprehensive master plan for the elderly (BUF 602)	15,000A	—	15,000A
To provide funds for the acquisition of a "development tract" under chapter 516, Hawaii Revised Statutes (SOC 223)	1,300,000A	—	1,300,000A
To provide funds for the continuance of the Hawaii Legal Service Project of the Legal Aid Society of Hawaii; provided that upon the receipt by the Hawaii Legal Aid Service Project of any funds from the City and County of Honolulu under the Federal Community Development Act of 1974, then the Hawaii Legal Services	519,500A	—	519,500A

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Project shall reimburse the State the like sum received, but not in excess of \$330,000 (GOV 863)

To provide funds for the analysis of the operations of the Commission on Children and Youth (to be expended by the Legislative Reference Bureau)	5,000A	—	5,000A
To provide funds for quality control system in the general assistance program (SOC 901)	113,000A	—	113,000A
To provide funds for additional staffing to develop inter-agency coordination information services, screening, Diagnosis and Treatment (EPSDT) program as required by federal regulation (SOC 235)	(1) 10,966A	(1) 11,216A	(1) 22,182A
To provide funds for Molokai Human Services Center to restore current level of services (GOV 862)	75,000A	—	75,000A
To provide tenant security services on a contract basis to protect residents and property in public housing, especially Kuhio Park Terrace and Kalihi Valley Homes, which have the highest crime rate in the State (SOC 901)	114,621A	—	114,021A

**FORMAL EDUCATION**

To provide funds for a feasibility and cost study to establish a Hawaiian Studies Program at the University of Hawaii. The results of the study to be submitted 20 days prior to the convening of the 1976 Legislature Session (UOH 101)	25,000A	—	25,000A
Feasibility study for mutual agreement program to be expended by the Social Welfare Research & Development Center, University of Hawaii. Results of study to be submitted to the Legislature 20 days prior to the convening of the 1976 Legislature. (UOH 102)	20,000A	—	20,000A
Funds to support management, administration, and operation of the Canada-France-Hawaii Telescope Operation in accordance with the Tripartite Agreement (UOH 102)	37,000A	48,000A	85,000A
To provide funds for the establishment, development, and maintenance of a termite control program (UOH 102)	30,000A	—	30,000A
To continue the Hawaiian Students' Research Project. The University to evaluate the project, determine the feasibility of incorporating it under a department or existing program, and to report its findings to the Legislature 20 days prior to the convening of the 1976 Legislature. (UOH 102)	59,056A	—	59,056A
To provide for a three year management study of the Hawaiian Green Turtle. (UOH 102)	50,000A	—	50,000A

To provide funding for Makahiki Kai, a marine education program for elementary and intermediate school students. Funds to be expended by the Sea Grant program. (UOH 104)	80,000A	—	80,000A
To provide for leasing or purchasing, maintaining, and equipping of a vessel for the Marine Technician Training Program at Leeward Community College for research in shark abatement. Provided that \$45,000 of the sum appropriated shall be expended for the leasing or purchasing, maintaining, and equipping of a vessel, and \$25,000 shall be expended for the shark abatement program; provided further that the \$25,000 for the shark abatement program shall not be expended unless the \$45,000 for the vessel is expended. (UOH 321)	70,000A	—	70,000A
To provide funds to the Department of Education to develop a minimum excursion program. The Department of Education shall establish a list of minimum excursion for each school district. (EDN 501)	10,000A	—	10,000A
To provide funds for the establishment of the student incentive grant program; provided that notwithstanding Section 304-16, recipients of scholarships shall be exempted or have payment made only for tuition fees and general registration fees at the University of Hawaii system and shall not be relieved from payment of other such special fees required by the University of Hawaii system. (UOH 105)	90,000A	200,000A	290,000A
To provide funds for the college work-study program (UOH 105)	96,500A	—	96,500A
To provide funds for review of labor-related programs at the University of Hawaii (UOH 102)	194,000A	—	194,000A
To provide funds for University without walls, comprehensive training program (UOH 101)	365,153A	—	365,153A
To provide funds for State higher education loan fund, student assistant program (UOH 105)	325,000A	—	325,000A
To provide funds for Basic funding of women's intercollegiate athletics at the University of Hawaii at Manoa in accordance with Title IX of the Equal Education Act of 1972 (UOH 105)	100,000A	100,000A	200,000A
To provide funds for the continuation of tutored program for immigrant children under operation Manong (UOH 103)	47,986A	75,000A	146,258A
To provide funds for the establishment of a program in occupational safety and health at the Honolulu Community College (UOH 102)	60,000A	—	60,000A
To provide funds for Philippine studies program (UOH 101)	(1.50) 25,000A	(1.50) 25,000A	(1.50) 50,000A
To provide funds for the expansion of University of Hawaii Trio Project (UOH 103)	57,500A	57,500A	115,000A

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To provide funds for additional staffing at Kona Branch Experiment Station College of Tropical Agriculture, University of Hawaii (UOH 102)	(3.00) 100,000A	—	(3.00) 100,000A
To provide funds for Banana research and development for production and marketing including nematoda control handling, storage and packing, College of Tropical Agriculture, University of Hawaii (UOH 102)	35,000A	—	35,000A
To provide funds for research on tissue culture propagation techniques for food and ornamental crops at the Hawaii Agricultural Experiment Station (UOH 102)	44,000A	44,000A	88,000A
To provide funds for two instructional positions to operate proposed Honolulu Community College Campus Child Development Center (UOH 302)	(2.00) 24,000A	(2.00) 24,000A	(4.00) 48,000A
To provide funds for a Dean of the College of Tropical Agriculture (UOH 206)	25,600A	25,600A	51,200A

**CULTURE AND RECREATION**

Grant-in-aid to the City and County of Honolulu for the first annual Hawaii Theatre Festival in Thomas Square. (BUF 881)	50,000A	—	50,000A
To provide funds to maintain and operate television translator facilities throughout the state (REG 701)	32,000A	32,000A	64,000A
To provide funds for research and development of a National Radio Outlet (REG 103)	25,000A	—	25,000A

**PUBLIC SAFETY**

To provide funds for Hawaii National guard uniform maintenance allowance for enlisted personnel; provided that section 121-41, Hawaii Revised Statutes, notwithstanding, the allowance for enlisted personnel shall be increased from seventy cents per day to \$1.50 per day; provided further that uniform allowance for enlisted personnel also shall be provided when such personnel are ordered to state active duty in accordance with section 121-30 Hawaii Revised Statutes. (DEF 111)	96,000A	96,000A	192,000A
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**INDIVIDUAL RIGHTS**

To provide for the development and implementation of a continuing educational program for nurses. The State Board of Nursing shall contract the necessary services from the University of Hawaii or other appropriate agencies (REG 105)	70,000A	—	70,000A
Contract services to implement H.B. 1876 (REG 191)	25,000A	—	25,000A

<del>To provide funds for a full time public utilities commission; provided that Section 269-2, Hawaii Revised Statutes, notwithstanding, there shall be a public utilities commission composed of three full-time commissioners who shall be appointed by the governor in accordance with Section 26-34, Hawaii Revised Statutes; provided further that the chairman of the commission shall be designated by the governor and shall be paid a salary at the rate of ninety-five per cent of the salary of the director of regulatory agencies; provided further each of the other commissioners shall be paid a salary at the rate of ninety-five per cent of the chairman's salary. (REG 103) [Vetoed]</del>	<del>99,759A</del>	<del>—</del>	<del>99,759A</del>
To provide positions for an Education and Information Program (REG 191)	60,600A	45,675A	106,275A

**GOVERNMENT WIDE SUPPORT**

To provide funds to prepare the new state general plan. (PED 101)	125,000A	125,000A	250,000A
To establish State/County Service Centers (GOV 102)	50,000A	50,000A	100,000A
To provide funds for summer employment of law students in Attorney General's office (ATG 101)	25,000A	25,000A	50,000A
To provide Attorney General with additional funds to retain services of outside counsel in handling special litigation (ATG 101)	5,000A	5,000A	10,000A
To provide funds for moving allowance to former governor, transition from office (GOV 100)	50,000A	—	50,000A
To provide for a state government reorganization commission (GOV 100)	130,000A	—	130,000A

**SECTION 90. General Obligation Bonds.** General Obligation bonds may be issued as provided by law to yield the amount that may be necessary to finance projects authorized in this part of this Act and designated to be financed from general obligation bond fund, provided that the sum total of the general obligation bonds so issued shall not exceed \$1,905,000.

**PART VI. GENERAL PUBLIC IMPROVEMENTS**

**SECTION 91.** The following sums or so much thereof as shall be sufficient to finance the projects herein contained, are hereby appropriated or authorized as the case may be, to be expended by the Department of Accounting and General Services, unless otherwise specified in the subsection, out of moneys in the treasury received from general obligation bond funds. General obligation bonds may be issued as provided by law to yield the amount that may be necessary to finance projects herein, provided that the sum total of the general obligation bonds so issued shall not exceed \$120,750,000.

# ACT 195

## I. STATEWIDE

### B. DEPARTMENT OF LAND AND NATURAL RESOURCES

(To be expended by the Department of Land and Natural Resources)

1. Mauna Kea Skiing Facilities, Hawaii 300,000  
Plans and construction for Development of skiing facilities on Mauna Kea, including portable or permanent warming and comfort station, improvement to roadway, ski lifts, service and safety equipment and for maintenance during inclement weather.
2. Heeia Land Acquisition Project, Oahu 700,000  
Land acquisition.
3. Sacred Falls, Koolauloa, Oahu 1,500,000  
Land acquisition.
4. Kaiaka Point Park, Oahu 1,500,000  
Land acquisition.
5. Salt Lake District Park, Oahu 500,000  
Land plans and construction for development of a new community park, including equipment.

### C. DEPARTMENT OF TRANSPORTATION

(To be expended by the Department of Transportation)

1. Inter-island Ferry System, Statewide 4,000,000  
Funds to contract with private enterprise to provide a passenger and vehicular roll-on roll-off inter-island ferry system (to be supplemented by future authorizations not to exceed \$4,000,000 in any one year or \$20,000,000 in the aggregate).

General obligation bonds may be issued by the Director of Finance in accordance with the provisions of Part I of Chapter 39, HRS or by the Director of Transportation in accordance with Chapter 268, HRS; provided that if issued by the Director of Transportation, then all references to the Director of Finance in Part I, Chapter 39, HRS, shall be read as meaning the Director of Transportation. In the case of any contract with any private enterprise under Section 268-1, HRS, where the revenues for such contract are provided by the issuance of general obligation bonds, the provisions of section 268-7 and 268-8, HRS, will not be applicable.

## I. DEPARTMENT OF SOCIAL SERVICES AND HOUSING

(To be expended by the Department of Social Services and Housing)

1. State Housing Program 20,000,000  
Supplemental funds for the private housing augmentation program under Act 105, SLH 1970.

## II. COUNTY OF HAWAII

### A. DEPARTMENT OF AGRICULTURE

1. Waimea Vacuum Cooling Plant, Hawaii 100,000  
Plans, construction and other necessary appurtenances for a loading dock and refrigerated and non-refrigerated containers.



**B. DEPARTMENT OF LAND AND NATURAL RESOURCES**

(To be expended by the Department of Land and Natural Resources)

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|---|---------|
| 1. Food Distribution Center, Fort Armstrong, Oahu   | 60,000  |
| Land acquisition, plans and construction for improvements, including repairs, renovations, site improvements, and necessary equipment and appurtenances as the first increment of the Food Distribution Center. To supplement Item IV-A-12 of Act 218, SLH 1974.      |         |
| 2. Hilo Baseyard, Hawaii State Park   | 100,000 |
| Plans and construction for a baseyard and storage facility.   |         |
| 3. Kona Airport Park, State Park  | 230,000 |
| Plans and construction for development of a state park at the old Kona Airport.   |         |
| 4. Kalopa Park, State Park  | 1,000   |
| Plans, construction, and restoration for the preservation of foliage and wildlife at Kalopa State Park and Mauna Kea, Hawaii, including facility development and site improvement and other necessary appurtenances. To supplement Item III-B-1 of Act 176, SLH 1972. |         |

**C. DEPARTMENT OF TRANSPORTATION**

(To be expended by the Department of Transportation)

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| 1. Highway Safety Improvements, Hawaii   | 100,000 |
| Plans, land and construction for highway improvements, signal lights and other necessary appurtenances including Komohana/Waianuenue, Pua-inako/Kanoelehua, Kamehameha/Airport intersection.   |         |
| 2. Palani Road Safety Improvements, North Kona, Hawaii   | 50,000  |
| Plans and construction for installation of traffic signal light at Kuakini Highway and Palani Road Junction.   |         |
| 3. Kamakoa II Bridge, Hawaii   | 70,000  |
| Planning and construction to widen and realign the Kamakoa II Bridge on Hawaii Belt Road, South Kohala, Route 190D, Hawaii.  |         |
| 4. Hawaii Belt Highway, Ka'u to Kona, Hawaii   | 100,000 |
| Plans, land and construction for improvement and realignment of existing highway.  |         |
| 5. Mamalahoa Highway, North Kona, Hawaii   | 200,000 |
| Plans, land and construction for improvements to Mamalahoa Highway from Honokahau to Honalo area.  |         |
| 6. Pahoia-Pohoiki Road, Hawaii   | 100,000 |
| Land acquisition, plans and construction for road, and other necessary appurtenances.  |         |
| 7. Honokahau Boat Harbor, Kona, Hawaii   | 1,000   |
| Plans and construction for incremental dredging of remaining harbor basin and other improvements. Unencumbered balances in Item C71, Act 187, SLH 1970, to be used for this project in conjunction with new appropriation, notwithstanding lapsing provisions of Act 74, SLH 1972. |         |
| 8. Wailoa River Facilities and Improvements, Hawaii  | 50,000  |
| Plans and construction for small boat mooring facilities and repairs and maintenance of existing facilities in the Wailoa River Basin, Hawaii.   |         |

**E. UNIVERSITY OF HAWAII**

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|---|--------|
| 1. Kamuela Extension Service Building, Hawaii   | 20,000 |
| Equipment and other necessary appurtenances for the Kamuela Extension Service Building, Hawaii. |        |

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2. Pilot Papaya Processing Plant	35,000
Plans and construction for remodeling of processing plant and other necessary appurtenances and equipment. To supplement prior appropriations under Act 218, SLH 1974, Section 7, Part IVA, Item F.3.	
<b>F. DEPARTMENT OF EDUCATION</b>	
1. Ka'u High and Pahala Elementary School, Hawaii	100,000
Plans, construction, equipment and other necessary appurtenances for a community school library including renovation to existing building.	
2. Pahoia High and Elementary School, Hawaii	100,000
Plans, construction, equipment and other necessary appurtenances for a community school library. To supplement prior appropriation.	
3. Waimea Community School Library, Hawaii	102,000
Plans, construction, equipment and other necessary appurtenances for a community school library. To supplement prior appropriation.	
<b>G. DEPARTMENT OF HAWAIIAN HOME LANDS</b>	
(To be expended by the Department of Hawaiian Home Lands)	
1. Panaewa Community Center, Hawaii	50,000
Land acquisition, plans, construction, and other necessary appurtenances for a community center in Panaewa, Hawaii.	
<b>H. DEPARTMENT OF HEALTH</b>	
1. Honokaa Hospital, Honokaa, Hawaii	150,000
Plans and construction for improvements to conformity with the life safety code.	
<b>M. DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES</b>	
1. Ethnic Cultural Building Complex, Hawaii	250,000
Construction for an ethnic cultural building complex on the Island of Hawaii, including site selection and landscaping. To supplement Item 72 A-D-1 of Act 218, SLH 1974.	
<b>N. COUNTY OF HAWAII</b>	
(To be expended by the County of Hawaii)	
1. Downtown Improvement, Hawaii	400,000
Plans and construction for improvements.	
2. Downtown Improvement (Hilo), Hawaii	250,000
Plans and construction for improvements.	
3. Holualoa Community Center, Hawaii	50,000
Plans, land acquisition, construction and other necessary appurtenances for development of a community center.	
4. Holualoa Community Center, North Kona, Hawaii	100,000
Plans and construction for a community center at Holualoa, Hawaii.	
5. Ka'u Community Center, Hawaii	100,000
Plans, land acquisition, construction, and other necessary appurtenances for development of community center.	
6. Kaumana Drive Improvements, Hawaii	100,000
Plans, land acquisition, construction, and other necessary appurtenances for improvements to Kaumana Drive, including resurfacing.	
7. Piihonua Road and Bridge, Hawaii	50,000
Plans, land acquisition, construction and other necessary appurtenances for the road and bridge improvement.	

8. Alii Drive Improvement, North Kona, Hawaii	50,000
Plans and construction for improvements to Alii Drive.	
9. Puainako Extension	200,000
Land acquisition and plans for a four-lane divided highway from Kanoelehua Avenue to a connection with the Saddle Road. Funds authorized under Act 218, SLH 1974, Section 6, Item H. 16 may be used for this purpose.	
10. Ainaola Drive Improvements, Hawaii	100,000
Kupulau to Malaai.	
Plans, land acquisition, construction, and other necessary appurtenances for road improvements.	
11. Middle Kei Road Improvements, South Kona, Hawaii	74,000
Plans and construction for improvements to Middle Kei Road from Shimizu Junction to Napoopoo-Kei Road Junction.	
12. Hilo Street Improvements, Hawaii	100,000
Plans, land acquisition, construction, and other necessary appurtenances for road improvements.	
13. Improvement of Saddle Road, Hawaii	150,000
Planning, land acquisition, construction and other necessary appurtenances for the improvement of the Saddle Road in Hawaii County.	
14. Kona Flood Control, Hawaii	200,000
Plans, land acquisition, construction and other necessary appurtenances for development of flood control facilities.	
15. Hilo Storm Drainage, Hawaii	75,000
Plans, construction, and other necessary appurtenances for storm drainage systems.	
16. Mt. View Drainage System, Hawaii	100,000
Plans, land acquisition, construction, and other necessary appurtenances for development of drainage system.	
17. Waimea Flood Control, South Kohala, Hawaii	50,000
Plans and construction for drainage system in Waimea, South Kohala, Hawaii.	
18. Kulaimano Sewerage System, Hawaii	250,000
Plans and construction. Funds to be expended by County of Hawaii.	
19. Hilo Sewerage System Phase IIIA, Hawaii	375,000
Plans, land acquisition, construction, and other necessary appurtenances for development of sewerage systems to serve Hilo College, the Second High School, and Iolani Street to Kilauea Street area.	
20. Papaikou-Paukaa Sewerage System, Hawaii	250,000
Plans, land acquisition, construction and other necessary appurtenances for sewerage system.	
21. Solid Waste Transfer, Kona, Hawaii	75,000
Plans and construction, equipment and site improvements for a transfer of solid waste facility.	
22. Solid Waste Transfer Station (Third District), Hawaii	75,000
Land acquisition, plans and construction for solid waste transfer facilities, including equipment.	
23. Solid Wastes Transfer Stations, Hawaii	75,000
Planning, land acquisition, construction and other necessary appurtenances of solid wastes transfer facilities, including equipment.	

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24. Solid Waste Pulverizer System, Kona, Hawaii	50,000
Planning, land acquisition, construction and other necessary appurtenances for a solid waste pulverizer system, including equipment.	
25. Kona Recreational Facilities, Hawaii	1,000
Land acquisition, plans and construction for incremental development of recreational facilities, including development of regulation 18-hole municipal course, complete with clubhouse and driving range facilities. Unexpended balances in Item P-17 of Act 187, SLH 1970, will be used for this appropriation, notwithstanding the lapsing provisions of Act 74, SLH 1972.	
26. Laupahoehoe School Swimming Pool, Hawaii	100,000
Plans and construction of swimming pool. To supplement prior appropriation.	
27. Honokaa Park, Hawaii	190,000
Land acquisition, plans, construction and other necessary appurtenances for development of Honokaa Park, Hawaii.	
28. Honokaa Park, Hawaii	50,000
Land acquisition, plans, construction and other necessary appurtenances for development of Honokaa Park, Hawaii.	
29. Honokaa Park, Hawaii	50,000
Plans for restrooms/locker facilities and community center (gymnasium, multi-purpose rooms).	
30. Panaewa Playground (Mamaki Street), Hawaii	100,000
Plans and construction for incremental development, including master plan.	
31. Panaewa Park, Hawaii	150,000
Plans, land acquisition, construction, and other necessary appurtenances for park facilities.	
32. Lokahi Park, Hawaii	175,000
Plans, construction, and other necessary appurtenances for development of park and facilities.	
33. Keaukaha Park Lights, Hawaii	150,000
Installation of park lights including plans, construction, and other necessary appurtenances.	
34. Keaukaha Shoreline Park, Hawaii	75,000
Plans, land acquisition, construction and other necessary appurtenances for development of park.	
35. Kulaimano Park, Hawaii	25,000
Plans, land acquisition, construction, and other necessary appurtenances for development of park.	
36. Keaau Field Lights, Hawaii	80,000
Planning, construction, and other necessary appurtenances for installation of field lights.	
37. Onomea Bay Park, Hilo, Hawaii	50,000
Land acquisition, planning, and construction for development of park, recreational and other public facilities and improvements.	
38. Volcano Playground, Hawaii	100,000
Plans and construction for incremental development, including master plan.	

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| 39. South Kohala Park Improvement, Hawaii   | 50,000  |
| Plans and construction for improvements to existing facilities and development of new facilities at Spencer Park.   |         |
| 40. South Hilo Park Complex, Hawaii   | 1,000   |
| Plans, land acquisition, construction, and other necessary appurtenances for a multi-purpose facility. Funds appropriated under Act 197, SLH 1971, section 2, part III, item K.26 shall be expended for this appropriation. |         |
| 41. South Kona Community Park, Hawaii   | 100,000 |
| Plans and construction for a community park in South Kona, Hawaii.  |         |

**O. COUNTY OF HAWAII**

(To be expended by Water Commission, County of Hawaii)

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|---|---------|
| 1. Hilo Water System, Hawaii  | 15,000  |
| Plans and construction for improvements to Hilo Water System.   |         |
| 2. Hilo Water System, Hawaii  | 250,000 |
| Land acquisition, plans and construction for trunk line, pumps, storage tank facilities, and appurtenances.   |         |
| 3. North Hilo Water Development, Hawaii   | 300,000 |
| Plans and construction for development of sources, storage facilities, and installation and replacement of trunk lines and appurtenances. Funds to be expended by County of Hawaii.                     |         |
| 4. South Hilo Water Development, Hawaii   | 300,000 |
| Land, plans and construction for development, including improvements to (a) Hilo Reservoir Well and Storage, (b) Honomu Water Development, (c) Wailea-Hakalau Water System, and (d) Pepeekeo Well.      |         |
| 5. South Hilo Water Development (Honomu) Hawaii   | 100,000 |
| Land acquisition, plans and construction for development of Honomu water project.   |         |
| 6. Hamakua Water Development, Hawaii  | 120,000 |
| Land acquisition, plans and construction for Paauiolo-Kukaiau trunk line, including source development and Kaa-o-Paauhau replacement of trunk lines.  |         |
| 7. Ka'u Water Development, Hawaii   | 100,000 |
| Plans and construction for source development, land acquisition, storage facilities and installation of trunk lines and appurtenances.  |         |
| 8. Kehena Ditch Water Project, Hawaii   | 300,000 |
| Land acquisition, plans and construction including development, pumps, pipelines and storage facilities at the Kehena Ditch Water Source.   |         |
| 9. Kulaimano Water Facilities, Hawaii   | 50,000  |
| Plans, land acquisition, construction, and other necessary appurtenances for source development, storage facilities and installation of transmission lines.   |         |
| 10. Kulaimano Water Facilities, Hawaii  | 100,000 |
| Plans, land acquisition, construction, and other necessary appurtenances for source development, storage facilities and installation of transmission lines.   |         |
| 11. Malama-Ki Water System, Hawaii  | 250,000 |
| Land acquisition, plans and construction, including source development, pumps, pipelines and storage tank facilities (private funds may also be used for the purposes of this project).                 |         |
| 12. North Kohala Water Development, Hawaii  | 200,000 |
| Land acquisition, plans and construction for storage facilities, source development and installation and replacement of transmission lines and appurtenances. Funds to be expended by County of Hawaii. |         |

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13. North Kohala Water Development, Hawaii	100,000
Land acquisition, plans and construction for source development, pump controls, storage facilities and appurtenances.	
14. Kona Water Development, Hualalai Road, Hawaii	300,000
Plans, land acquisition, and construction for storage facilities, installation of trunk line, and appurtenances. To be expended by the County of Hawaii Board of Water Supply.	
15. South Kona Water System, Kona, Hawaii	500,000
Planning and construction of water pipelines, storage tanks and appurtenances.	
16. Puna Water Development, Hawaii	100,000
Land acquisition, plans and construction for source development, storage facilities and installation of trunk lines and appurtenances.	
17. Puna Water Development, Hawaii	200,000
Plans and construction for source development, land acquisition, storage facilities and installation of trunk lines and appurtenances.	
<b>C-1 DEPARTMENT OF TRANSPORTATION</b>	
(To be expended by the Department of Transportation)	
1. Puna and Ka'u Boat Ramps, Hawaii	75,000
Plans and construction for small boat launching ramps, including improvement to existing ramps.	
<b>F-1 DEPARTMENT OF EDUCATION</b>	
1. Ka'u High and Pahala Elementary School, Hawaii	50,000
Plans and construction for additional education facilities, playgrounds and athletic facilities.	
2. Keaau Elementary and Intermediate School, Hawaii	50,000
Plans and construction for additional education facilities, playgrounds and athletic facilities.	
3. Mountain View Elementary and Intermediate School, Hawaii	50,000
Plans and construction for bus loading area, and supplement to community and school library.	
4. New Waiakea (Mauka) Elementary School, Hawaii	20,000
Master Plan and planning for new Waiakea (Mauka) Elementary.	
5. Waiakeawaena Elementary School, Hawaii	30,000
Planning and construction for extension of library and administration building, parking, equipment and appurtenances.	
<b>H-1 DEPARTMENT OF HEALTH</b>	
1. Ka'u Hospital, Hawaii	40,000
Plans and construction for improvements to facilities, including equipment.	
<b>M-1 DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES</b>	
1. Naalehu Civic Center, Hawaii	15,000
Plans for state office building.	
<b>N-1 COUNTY OF HAWAII</b>	
(To be expended by the County of Hawaii)	
<b>Department of Parks and Recreation</b>	
1. Keaau Senior Citizens Center, Hawaii	50,000
Plans and construction for senior citizens center.	

2. Pahoia Playground, Hawaii Acquisition of land (7 Acres) and master planning.	20,000
3. Panaewa Playground (Mamaki Street) Hawaii Plans and construction for incremental development, including master plan.	100,000
4. Volcano Playground, Hawaii Plans and construction for incremental development, including master plan.	20,000
<b>Department of Public Works</b>	
5. Hawaii Belt Highway, Ka'u to Kona, Hawaii Plans and construction for improvement and realignment of existing highway.	100,000
<b>O-1 COUNTY OF HAWAII</b> (To be expended by the Hawaii Water Commission)	
1. Puna Water Development, Hawaii Plans and construction for source development, land acquisition, storage facilities and installation of trunk lines and appurtenances.	100,000
2. Volcano Water System, Hawaii Plans and construction for source development, land acquisition, storage facilities, transmission lines and appurtenances. Unexpended balances in Item B-43 of Act 187, SLH 1970, to be used to supplement this appropriation.	30,000
<b>A-2 DEPARTMENT OF AGRICULTURE</b> (To be expended by the Department of Agriculture)	
1. Hilo Pest Research Project, Hawaii Plans and construction for hothouse for pest research.	25,000
<b>C-2 DEPARTMENT OF TRANSPORTATION</b> (To be expended by the Department of Transportation)	
1. Hilo Airport, Hawaii Preliminary plans for new major seaward runway.	200,000
<b>E-2 UNIVERSITY OF HAWAII</b>	
1. University of Hawaii Hilo Campus, Hawaii Plans and construction for athletic facilities, including intercollegiate, intramural athletic equipment, supplies and related services.	35,000
2. University of Hawaii Hilo Campus, Hawaii Plans and construction for modernization and renovation of library facility.	50,000
<b>F-2 DEPARTMENT OF EDUCATION</b>	
1. Hilo High School, Hawaii Plans and construction for wood and metal shop.	240,000
2. Hilo Union School, Hawaii Supplements prior appropriation for construction of library administration building.	150,000
3. Kaumana School, Hawaii Plans for multi-purpose dining room.	40,000
4. Waiakea Intermediate School, Hawaii Plans for covered playcourt.	50,000

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## G-2 DEPARTMENT OF HAWAIIAN HOME LANDS

(To be expended by the Department of Hawaiian Home Lands)

- |   |        |
|---|--------|
| 1. Hawaiian Homes Project, Hilo, Hawaii   | 97,500 |
| Incremental planning for home replacement, new home construction, restoration, agricultural and other development in Keaukaha, Waiakea and Panaewa. |        |

## H-2 DEPARTMENT OF HEALTH

- |  |         |
|--|---------|
| 1. Hilo Hospital, Hawaii   | 40,000  |
| Plans and construction for covered area at admitting office.   |         |
| 2. Hilo Hospital, Hawaii   | 48,000  |
| Plans, construction and equipment for modernization of food service.   |         |
| 3. Hilo Hospital, Hawaii   | 224,500 |
| Equipment, including ultra-sound, scintillating camera, dictaphone, X-ray equipment, fetal monitor, and computer services. |         |

## N-2 COUNTY OF HAWAII

(To be expended by the County of Hawaii)

- |   |         |
|---|---------|
| 1. Exposition Facility, Hawaii  | 50,000  |
| Plans for construction of building in Hilo for fairs, carnivals and related uses.                   |         |
| 2. Hilo Bayfront Beach Park, Hawaii   | 150,000 |
| Plans, construction and equipment for development, including pavilion and multi-purpose canoe shed. |         |
| 3. Paukaa Neighborhood Playground, Hawaii   | 100,000 |
| Acquisition, planning and construction for development.   |         |

## C-3 DEPARTMENT OF TRANSPORTATION

(To be expended by the Department of Transportation)

- |  |         |
|--|---------|
| 1. Hawaii Belt Highway, Rock Catchers, Hawaii  | 20,000  |
| Plans for first increment safety improvements including fence between Malua and Laupahoehoe Gulches—1st increment. |         |
| 2. Hawaii Belt Highway, Hawaii   | 25,000  |
| Plans and construction for removing Hakalau Flume Overpass, Kamaee Station.  |         |
| 3. Honokaa-Waipio Road, Hawaii   | 40,000  |
| Plans and construction of road to include stabilization and slope protection.                                      |         |
| 4. Papaikou Junction Overpass, Hawaii  | 100,000 |
| Acquisition of land, plans and construction for a pedestrian overpass at Papaikou Junction.                        |         |

## F-3 DEPARTMENT OF EDUCATION

- |  |        |
|--|--------|
| 1. Honokaa High and Elementary School, Hawaii  | 48,000 |
| Plans for PE Building, locker-shower.  |        |
| 2. Honokaa High and Elementary School, Hawaii  | 35,000 |
| Plans and construction for covered walkway to include night lights from Buildings J and K to bus/car area on Sakata or Tennis Court Street (new Honokaa Park). |        |
| 3. Honokaa High and Elementary School, Hawaii  | 42,000 |
| Plans for industrial arts, woodshops and drafting, covered walkways, access roads, equipment and appurtenances.  |        |



- 4. Honokaa School, Hawaii 10,000  
Plans and construction for farm green house.
- 5. Kohala High and Elementary School, Hawaii 100,000  
Plans and construction of physical education and gym facilities, showers and lockers. Funds to be supplemented from Items III E-12 and III E-13 of Act 197, SLH 1971 and Item III E-13 of Act 176, SLH 1972.
- 6. Laupahoehoe High and Elementary School, Hawaii 50,000  
Plans and construction for walkway to agriculture and industrial arts shops.

**N-3 COUNTY OF HAWAII**

(To be expended by the County of Hawaii)

**Department of Parks and Recreation**

- 1. Kamehameha Park, Hawaii 100,000  
Construction of gymnasium and related facilities at Kamehameha Park. Funds to be supplemented from Item F-172 of Act 187, SLH 1970, unused portions of Item III K-29 of Act 197, SLH 1971, and Item I G-5 of Act 218, SLH 1974.

**Department of Public Works**

- 1. Homestead Road, Hawaii 30,000  
Planning for road from Ahualoa to Pohakea.
- 2. Laupahoehoe Civic Center, Hawaii 30,000  
To supplement prior appropriations.

**O-3 COUNTY OF HAWAII**

(To be expended by the Hawaii Water Commission)

- 1. Kulaimano Water System, Hawaii 100,000  
Plans and construction for storage facilities and necessary appurtenances.
- 2. Water Line Project, Hawaii 20,000  
Plans and construction for water line for diversification of agriculture in Third District.

**C-4 DEPARTMENT OF TRANSPORTATION**

(To be expended by the Department of Transportation)

- 1. Milolii Small Boat Ramp, Kona, Hawaii 50,000  
Plans and construction for a small boat ramp at Milolii, Kona, Hawaii.

**F-4 DEPARTMENT OF EDUCATION**

- 1. Kealakehe Elementary School, Hawaii 50,000  
Plans and construction for a community-school library at Kealakehe School.
- 2. Konawaena Elementary School, South Kona, Hawaii 250,000  
Plans and construction for a library at Konawaena Elementary School, including furniture and equipment.
- 3. Konawaena High and Intermediate School, Hawaii 300,000  
Plans and construction for development of athletic field for physical education class use and athletic program. Supplement to prior appropriation.

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## O-4 COUNTY OF HAWAII

(To be expended by the Hawaii Water Commission)

- |   |         |
|---|---------|
| 1. Water System, South Kona, Hawaii   | 100,000 |
| Plans and construction for development of water system from Shimizu Junction along Middle Keel Road, including source development, land acquisition, storage facilities, and installation of trunk lines and appurtenances. |         |

## III. COUNTY OF MAUI

### B. DEPARTMENT OF LAND AND NATURAL RESOURCES

(To be expended by the Department of Land and Natural Resources)

#### State Parks

- |  |        |
|--|--------|
| 1. Maui Motorcycling Park  | 50,000 |
| Plans and construction of a motorcycling park at Kahakuloa, Maui.                              |        |
| 2. Launiopoko State Park, Maui   | 30,000 |
| Enclose Olowalu end of revetment wall and dredge swimming area of park and other improvements. |        |

### C. DEPARTMENT OF TRANSPORTATION

(To be expended by the Department of Transportation)

- |  |         |
|--|---------|
| 1. Kamehameha III Highway, Molokai                             | 200,000 |
| Incremental resurfacing of highway toward east end of Molokai. |         |

### F. DEPARTMENT OF EDUCATION

- |   |         |
|---|---------|
| 1. Baldwin High School  | 100,000 |
| Renovation of electrical system in auditorium.  |         |
| 2. Iao School, Maui   | 100,000 |
| Plans and construction of an 8-classroom building   |         |
| 3. Kamehameha III School, Lahaina   | 10,000  |
| Soundproofing, air conditioning, acoustical tiles, and electrical line in portable bandroom.                          |         |
| 4. Lahainaluna High School  | 30,000  |
| Plans and construction of swimming pool.  |         |
| 5. Waihee School  | 200,000 |
| Plans and construction of a playfield, including site work and grassing, fencing, draining improvement and equipment. |         |

### G. DEPARTMENT OF HAWAIIAN HOME LANDS

(To be expended by the Department of Hawaiian Home Lands)

- |  |         |
|--|---------|
| 1. Molokai-Recreational-Community Center Complex, Hoolehua | 425,000 |
| To supplement prior appropriation.                         |         |

### H. DEPARTMENT OF HEALTH

- |  |         |
|--|---------|
| 1. Maui Memorial Hospital  | 75,000  |
| Purchase of Mammographic Machine for breast cancer detection.                                      |         |
| 2. Hale Makua, Maui  | 731,000 |
| Grant-in-aid<br>To supplement prior appropriation.<br>(To be expended by the Department of Health) |         |

**N. COUNTY OF MAUI**

(To be expended by the County of Maui)

**Department of Parks and Recreation**

1. West Maui Community Center, Maui Plans and construction.	9,000
2. Bike Path, West Maui Plans, land acquisition and construction of a bike path from Lahaina Civic Center to Puukoolii Road.	50,000
3. Maui Zoo Plans and construction to supplement prior appropriation.	150,000
4. Swimming Pool, Makawao, Maui Plans and construction for a swimming pool at Makawao, Maui.	125,000
5. Maui Bicycling Pathways Plans and construction of bicycling pathways.	100,000
6. Paukukalo Baseball Park, Maui Plans and construction of restroom facility including shower room and fencing.	50,000
7. Lahaina Civic Center Improvement of exist road to Honoapiilani Highway.	85,000

**O. COUNTY OF MAUI**

(To be expended by the Board of Water Supply, County of Maui)

1. Upper and Lower Kula Water Project To supplement prior appropriation.	1,780,000
2. Kalae Water Project, Molokai Improvements to Kalae Water System.	160,000
3. Kahului Airport-Paia-Kaua Water Project Incremental development of water system, including plans, land acquisition, source studies and improvements, construction of pipelines, reservoirs, pumping facilities, treatment plants and other appurtenances.	800,000
4. Kihei-Makena Water Project Incremental development of water system including plans, engineering studies, land acquisition, source studies and investigations and construction of pipelines, reservoirs, wells, pumping facilities, source development and other appurtenances.	2,500,000
5. Keanae Water Project Incremental development of water system including plans, engineering studies and construction of pipelines, reservoirs, treatment plants and other appurtenances.	150,000
6. Ulupalakua-Kanaio Water System Incremental development of water system including plans and construction of pipelines, reservoirs, pumping facilities and other appurtenances. Funds appropriated in Item II, K-5, Act 176, SLH 1972 may be used for this project.	1,000
7. Haiku-Makawao Water Project, Maui To supplement prior appropriation	89,000

**A-1 DEPARTMENT OF AGRICULTURE**

1. Vacuum Cooling Plant, Omaopio, Maui Plans and construction for improvements, including chain link fence and loading ramp. Supplements prior appropriations.	40,000
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## C-1 DEPARTMENT OF TRANSPORTATION

(To be expended by the Department of Transportation)

- |   |        |
|---|--------|
| 1. Kula Highway, Maui   | 50,000 |
| Plans and construction for the widening and resurfacing of highway from Kaipoi Bridge to Keokea. Supplements prior appropriation. |        |
| 2. Puunene Highway Improvements, Maui   | 90,000 |
| Plans and construction for installation of traffic signal at intersection of Kamehameha Avenue and Puunene Avenue.                |        |

## F-1 DEPARTMENT OF EDUCATION

- |   |         |
|---|---------|
| 1. Haiku School, Maui   | 35,000  |
| Plans and construction for a Performance Art Center.  |         |
| 2. Hana High and Elementary School, Maui  | 359,000 |
| Plans and construction for the new Hana High and Elementary School. Supplements prior appropriation.  |         |
| 3. Hana High and Elementary School, Maui  | 1,000   |
| Plans and construction for new Hana High and Elementary School. Unexpended balances of not more than \$340,000 in Item II-C-21 of Act 218, SLH 1974 may be used for this appropriation. |         |
| 4. Kahului School, Maui   | 35,000  |
| Plans and construction for a Performance Art Center.  |         |
| 5. Keanae School, Maui  | 75,000  |
| Plans and construction for athletic facilities, including outdoor basketball and volleyball court and necessary equipment.  |         |
| 6. Lihikai School, Maui   | 35,000  |
| Plans and construction for a Performance Art Center.  |         |
| 7. Makawao School, Maui   | 5,000   |
| Plans and construction for installation of a safety fence on campus.  |         |
| 8. Maui High School, Maui   | 50,000  |
| Plans and construction for an industrial shop, including auto shop and necessary equipment.   |         |
| 9. Maui High School, Maui   | 50,000  |
| Plans and construction for a gymnasium. Supplements prior appropriations.   |         |

## H-1 DEPARTMENT OF HEALTH

- |   |         |
|---|---------|
| 1. Half-way House, Maui   | 100,000 |
| Plans and construction for new half-way home (HTH 430-Project D7A)                      |         |
| 2. Maui Memorial Hospital, Maui   | 50,000  |
| Plans and construction for storage room and to extend roof for emergency unit entrance. |         |

## N-1 COUNTY OF MAUI

(To be expended by the County of Maui)

### Department of Parks and Recreation

- |  |         |
|--|---------|
| 1. Senior Citizens Center, Maui  | 100,000 |
| Plans and construction and equipment for a Senior Citizens Center at the existing site of Kaunoa School. |         |
| 2. Swimming Pool, Makawao, Maui  | 125,000 |
| Plans and construction for a swimming pool at Makawao, Maui.   |         |

**Department of Public Works**

- |   |         |
|---|---------|
| 3. Rifle Range, Maui                      | 100,000 |
| Plans and construction for a rifle range. |         |

**O-1 COUNTY OF MAUI**

(To be expended by the Maui Board of Water Supply)

- |  |         |
|--|---------|
| 1. Peahi Road Water Project, Maui                                    | 200,000 |
| Plans and construction for improvements to old Peahi Road waterline. |         |

**F-2 DEPARTMENT OF EDUCATION**

- |  |         |
|--|---------|
| 1. Baldwin High School, Maui   | 57,000  |
| Plans and construction for renovation of old auto shop into electricity and electronics classroom and laboratory.                        |         |
| 2. Kaunakakai Elementary School, Molokai   | 75,000  |
| Plans and construction for installation of air-conditioning in library.  |         |
| 3. Kilohana Elementary School, Molokai   | 191,000 |
| Supplemental funds to complete increment.  |         |
| 4. Kualapuu School, Molokai  | 11,000  |
| Plans and construction for backstop for baseball on field.   |         |
| 5. Kualapuu School, Molokai  | 1,000   |
| Plans and construction for library expansion. Unexpended balance in Item F-151 of Act 187, SLH 1970 will be used for this appropriation. |         |
| 6. Lahainaluna High School, Hale Pa'i Printshop, Maui  | 10,000  |
| Plans and construction for restoration, including reroofing.   |         |
| 7. Lahainaluna High School, Maui   | 665,000 |
| Supplemental funds for the construction of a gymnasium.  |         |
| 8. Lanai High and Elementary School, Lanai   | 80,000  |
| Supplemental appropriation for the construction of a four-classroom building.  |         |
| 9. Maunaloa Elementary School, Molokai   | 40,000  |
| Plans and construction for repair and maintenance of school building.  |         |
| 10. Molokai High and Intermediate School, Molokai  | 329,000 |
| Supplemental appropriation to construct music building.  |         |
| 11. Wailuku Elementary School, Maui  | 10,000  |
| Construction of covered walkways between buildings that do not presently have them.  |         |

**N-2 COUNTY OF MAUI**

(To be expended by the County of Maui)

**Department of Parks and Recreation**

- |                                     |        |
|-------------------------------------|--------|
| 1. West Maui Community Center, Maui | 31,000 |
| Plans and construction.             |        |

**IV. CITY AND COUNTY OF HONOLULU****H. DEPARTMENT OF HEALTH**

(To be expended by the Department of Health)

- |  |         |
|--|---------|
| 1. Queen's Medical Center  | 250,000 |
| Grants-in-aid for plans, construction and equipment for hospital facilities. |         |
| 2. St. Francis Hospital  | 250,000 |
| Grants-in-aid for plans, construction and equipment for hospital facilities. |         |

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- |  |         |
|--|---------|
| 3. Kuakini Hospital  | 250,000 |
| Grants-in-aid for plans, construction and equipment for hospital facilities. |         |
| 4. Kahuku Hospital   | 250,000 |
| Grants-in-aid for plans, construction and equipment for hospital facilities. |         |
| 5. Wahiawa General Hospital  | 250,000 |
| Grants-in-aid for plans, construction and equipment for hospital facilities. |         |
| 6. Kapiolani Maternity and Gynecological Hospital                            | 250,000 |
| Grants-in-aid for plans, construction and equipment for hospital facilities. |         |

### N. CITY AND COUNTY OF HONOLULU

(To be expended by the City and County of Honolulu)

- |   |           |
|---|-----------|
| 1. Mass Transit System, Oahu  | 6,000,000 |
| Land, plans and construction for development of a mass transit system. Above state funds to be matched by the City and County of Honolulu; provided that UMTA grants 80% federal funding for transit system, and provided further that the A-95 Agency for Honolulu enters into an agreement with the Metropolitan Planning Organization (MPO) for transportation planning. |           |

### B-1 DEPARTMENT OF LAND AND NATURAL RESOURCES

(To be expended by the Department of Land and Natural Resources)

- |  |           |
|--|-----------|
| 1. Heeia Meadowlands/Heeia Marshland, Oahu   | 130,000   |
| Funds for appraisal, survey and title search, 518 acres, Tax Key 4-6-16, Oahu. Ultimate acquisition for park purposes.   |           |
| 2. Heeia Land Acquisition Project, Oahu  | 300,000   |
| Acquisition of Heeia fishpond and Matson Point, Oahu—Tax Key Map 4605, parcels 1 through 12, for an educational cultural center park. (Unencumbered balances from Item I-K-20 of Act 197, SLH 1971, and unencumbered balances from Item IV-A-2, section 7 of Act 218, SLH 1974, shall be used for this project in conjunction with the new appropriation.) |           |
| 3. Moku O Loe Island Park (Coconut Island), Oahu   | 1,000,000 |
| Acquisition, plans and development for a state park.   |           |
| 4. Sacred Falls, Oahu  | 1,500,000 |
| Acquisition, planning and development of 1554 acres, more or less, at Kaluanui, Koolauloa, Oahu, Hawaii, otherwise known as Sacred Falls and more particularly identified by tax keys: 5-3-11-01; 5-3-09-02, 03, 39, 50, 51, 52, 53, 54, 55, 56; 5-3-10-01, 03, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 29; 5-3-11-09 for park purposes.                   |           |

### C-1 DEPARTMENT OF TRANSPORTATION

(To be expended by the Department of Transportation)

- |  |         |
|--|---------|
| 1. Kamehameha Highway Improvements   | 25,000  |
| Preliminary engineering for improvements to Kamehameha Highway between Kahaluu Park and Laie Corporation Yard, Laie, Oahu. |         |
| 2. Kahekili Highway, Oahu  | 25,000  |
| Plans and construction of a bikeway from Hui Iwa Road to Ahuimanu Road on Kahekili Highway.                                |         |
| 3. Kaneohe Bay Drive, Oahu   | 150,000 |
| Plans and construction of an overpass in the vicinity of Mokulele Street.  |         |

**F-1 DEPARTMENT OF EDUCATION**

- |   |         |
|---|---------|
| 1. Kaneohe Elementary, Oahu   | 1,000   |
| Plans and construction of an administration building. (To be supplemented by funds from Item II-6-17, Act 68, SLH 1971 (A-34), and Act 197, SLH 1971 (I-B1). Notwithstanding Act 74, SLH 1972, the unencumbered balances from Item F, Act 187, SLH 1970 (B-9), shall be used for this project.) |         |
| 2. Benjamin Parker School, Kaneohe, Oahu  | 100,000 |
| Plans and construction for additional playground area and security fencing.   |         |

**N-1 CITY AND COUNTY OF HONOLULU**

(To be expended by the City and County of Honolulu)

- |  |         |
|--|---------|
| 1. Kailua Recreational Facilities, Oahu  | 40,000  |
| Plans and construction for playing fields and other sports events. Unexpended balances in Item IV-J-60 of Act 218, SLH 1974, will be used for this appropriation.  |         |
| 2. Laie Beach Park (Pounders Beach), Oahu  | 500,000 |
| Acquisition of 14 acres of Pounders Beach Property (5-5-01 and 5-5-02). To be expended by City and County of Honolulu.   |         |
| 3. Malaekahana Beach Park, Oahu  | 150,000 |
| Acquisition of 30 acres (5-8-03 and 5-8-01). To be supplemented by funds from Item B-111, section 1 of Act 155, SLH 1969; Item H-4, section 3 of Act 68, SLH 1971. |         |
| 4. Waimanalo, Oahu   | 100,000 |
| Construction of baseball field, landscaping and grassing on Lot 41, General Lease #S-4321, Tax Key 4-1-10-02, 20.62 acres recreational campsite, Waimanalo, Oahu.  |         |
| 5. Kailua Beach Park, Oahu   | 25,000  |
| Grant-in-aid to City and County of Honolulu for improvements to boat launching ramp at Kailua Beach Park.  |         |
| 6. Dike Road, Kailua, Oahu   | 39,000  |
| Drainage, compaction and soil bearing study.   |         |
| 7. Ulumanu Drive, Kailua, Oahu   | 100,000 |
| Extension of Ulumanu Drive to the vicinity of Keolu Drive.   |         |
| 8. Luluku Road Improvement   | 190,000 |
| Plans and construction of improvements to Luluku Road, to Kamehameha Highway.  |         |

**F-2 DEPARTMENT OF EDUCATION**

- |  |        |
|--|--------|
| 1. Ahuimanu Elementary School, Kahaluu, Oahu   | 5,000  |
| Plans and construction for playground equipment.   |        |
| 2. Castle High School, Oahu  | 3,000  |
| Plans and construction for improvements, including auditorium. (Unexpended balances in Item C-77 of Act 68, SLH 1971, may be used for this appropriation.) |        |
| 3. Kaaawa Elementary School, Kaaawa, Oahu  | 1,000  |
| Plans and construction for paved playcourt. (Unexpended balances in Item I-E-39 of Act 197, SLH 1971 may be used for this appropriation.)                  |        |
| 4. Kahaluu Elementary School, Kaneohe, Oahu  | 30,000 |
| Plans and construction for drainage improvements.  |        |

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### N-2 CITY AND COUNTY OF HONOLULU

(To be expended by the City and County of Honolulu)

#### Department of Parks and Recreation

1. Ahuimanu Neighborhood Park, Kahaluu, Oahu 60,000  
Plans and construction for tennis courts.
2. Kualoa Regional Park, Kaaawa, Oahu 250,000  
Plans and construction for development.

#### Department of Public Works

3. Kahuluu Road Projects, Kahuluu, Oahu 100,000  
Plans and construction for resurfacing of Pulama Road, Ahilama Road, Lamaula Road, Ahaolelo Road, Mapele Road, Kamakai Road, Lamalama Place, Lamaula Place and Kamakai Place.
4. Puuowaa Street, Hauula, Oahu 200,000  
Land acquisition, plans and construction for drainage improvements.
5. Puuowaa Street Drainage Project, Oahu 1,000  
Land acquisition, and plans and construction of a pipe and open channel system from Kamehameha Highway to Hanaimoa Street. (Unexpended balances in Item N-41 and Item N-42 of Act 187, SLH 1970, may be used for this appropriation.)

### C-3 DEPARTMENT OF TRANSPORTATION

(To be expended by the Department of Transportation)

1. Kahekili Highway Pedestrian Walkway, Oahu 50,000  
Plans and construction for pedestrian walkway and other safety improvements from Likelike Highway to Keaahala Road.
2. Kahekili Highway Bikeway, Oahu 50,000  
Plans and construction for bikeway from Likelike Highway to Kamehameha Highway.
3. Kahekili Highway Pedestrian Safety Improvements, Oahu 120,000  
Plans and construction for pedestrian safety improvements at Kuluokee Street, including pedestrian overpass.
4. Kahekili Highway, Oahu 50,000  
Planning and construction of a bikeway on Kahekili Highway running from Likelike Highway to Keaahala Road.
5. Kalaniana'ole Highway, Oahu 50,000  
Planning and construction of a sidewalk on the mauka side of Kalaniana'ole Highway between Uluhala Street and Maunawili Elementary School.

### F-3 DEPARTMENT OF EDUCATION

1. Castle High School, Oahu 380,000  
Plans and construction for improvements, including auditorium. (Unexpended balances in Item C-77 of Act 68, SLH 1971, may be used for this appropriation.)
2. Castle High School, Oahu 174,000  
Supplementary funds for construction of an auditorium.
3. Castle High School, Oahu 1,000  
Plans and construction for improvements to athletic field. (Unexpended balances in Items F-7 of Act 187, SLH 1970, may be used for this appropriation.)



4. Castle High School, Oahu	50,000
Plans and construction for a covered recreation facility at existing parking lot.	
5. Kaelepulu Elementary School, Oahu	1,000
Plans and construction for kitchen and multi-purpose dining room. (Unexpended balances in Item C-60 of Act 68, SLH 1971, may be used for this appropriation.)	
6. Kahuku High and Elementary School, Oahu	1,000
Plans and construction for replacement facilities, including manufacturing kitchen, multi-purpose dining room and gymnasium and relocation of tennis court. (Unexpended balances in Items C-11, C-17, C-31, Part IV, Section 86 of Act 218, SLH 1974, and item F-7 of Act 187, SLH 1970, may be used for this appropriation.)	
7. Kailua High School, Oahu	45,000
Plans and construction for improvements to gymnasium, including renovation.	
8. Kailua High School, Oahu	1,000
Plans and construction for improvements including renovation to kitchen. (Unexpended balances of Items 30 and 84-a of Act 202, SLH 1972, may be used for this appropriation.)	
9. Kailua Intermediate School, Oahu	1,000
Construction for music building. (Unexpended balances in Item 22 of Act 218, SLH 1974, may be used for this appropriation.)	
10. King Intermediate School, Oahu	125,000
Planning and construction for an all-purpose student shelter.	
11. Kaneohe Elementary School, Oahu	20,000
Plans and construction for improvements.	
12. Kaneohe Elementary School, Oahu	85,000
Planning and construction for restroom facilities in the playground area.	
13. Kaneohe Elementary School, Oahu	10,000
Plans and construction for improvements including lighting of makai and mauka parking lots.	
14. Maunawili Elementary School, Oahu	5,000
Planning and construction for a hollow tile windbreak fronting the administration building.	
15. Maunawili Elementary School, Oahu	6,000
Planning and construction for an extension to the lanai fronting the administration building.	
16. Castle High School, Oahu	25,000
Plans and construction for a covered area adjacent to cafetorium, including site improvements.	
17. Koolau Village, Kaneohe	55,000
Plans and construction of a recreational center.	

**N-3 CITY AND COUNTY OF HONOLULU**

(To be expended by the City and County of Honolulu)

**Department of Parks and Recreation**

1. Kawainui Marsh Study, Oahu	100,000
Basic scientific studies of hydrology, geology and topography, ecology, water quality analysis, land uses, special features and archaeology, and recreation demand.	

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| 2. Maunawili Park, Oahu  | 200,000 |
| Plans and construction for development of new park. To supplement prior appropriation. |         |

### Department of Public Works

- |  |         |
|--|---------|
| 3. Highway Improvements, Honolulu-Bound Bus Shelters, Oahu   | 20,000  |
| Plans and construction for bus shelters on Kamehameha Highway (vicinity of Kapalai Road, Likelike Highway, and Halekou Road), on Kaneohe Bay Drive (vicinity of Makalani Street), on Kalaniana'ole Highway (vicinity of Castle Memorial Hospital and across Maunawili Road.) |         |
| 4. Kailua Road, Oahu   | 75,000  |
| Planning and construction of dual bikeways going in opposite directions from Maunawili to Kailua.  |         |
| 5. Maunawili Road, Oahu  | 125,000 |
| Improvements, including street widening of Maunawili Road.   |         |

### F-4 DEPARTMENT OF EDUCATION

- |   |         |
|---|---------|
| 1. Kailua Elementary School, Oahu   | 50,000  |
| Plans and construction for ground improvements.   |         |
| 2. Kailua High School, Oahu   | 1,000   |
| Plans and construction for kitchen. To be supplemented by funds from Item C-30 of Act 202, SLH 1972.  |         |
| 3. Kailua Intermediate School, Oahu   | 50,000  |
| Plans and construction for sound-proofing of the music facility.  |         |
| 4. Kailua Intermediate School, Oahu   | 200,000 |
| Plans and construction for renovation of science classrooms.  |         |
| 5. Kailua Intermediate School, Oahu   | 1,000   |
| Plans and construction funds for a music building. (Unexpended balances in Item III-C-22 of Act 202, SLH 1972 will be used for this appropriation.) |         |
| 6. Kailua Intermediate School, Oahu   | 10,000  |
| Plans and construction for repairs and replacement of plumbing fixtures and windows in the physical education facilities.                           |         |
| 7. Kainalu Elementary School, Oahu  | 45,000  |
| Plans and construction for a paved playcourt.   |         |
| 8. Kainalu Elementary School, Oahu  | 1,000   |
| Plans and construction for library. To be supplemented by funds from Item C-30 of Act 202, SLH 1972.  |         |
| 9. Kalaheo High School, Oahu  | 41,000  |
| Plans and construction for painting and general ground improvements.  |         |
| 10. Kalaheo High School, Oahu   | 200,000 |
| Plans and construction for a gymnasium.   |         |
| 11. Kalaheo High School, Oahu   | 1,000   |
| Plans and construction for athletic facilities and ground improvements. To be supplemented by funds from Item C-30 of Act 202, SLH 1972.            |         |
| 12. Lanikai Elementary School, Oahu   | 5,000   |
| Plans and construction for a fence.   |         |

**N-4 CITY AND COUNTY OF HONOLULU**

(To be expended by the City and County of Honolulu)

**Department of Parks and Recreation**

- |   |         |
|---|---------|
| 1. Kailua Beach Park, Oahu  | 100,000 |
| Land acquisition. (To be matched by the City and County of Honolulu.)                       |         |
| 2. Kailua Field, Oahu   | 320,000 |
| Plans and construction for a gymnasium. (To be matched by the City and County of Honolulu.) |         |
| 3. Kailua Recreational Facilities, Oahu   | 50,000  |
| Plans and construction for ball-fields in Kailua, Oahu.                                     |         |

**Department of Public Works**

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|--|---------|
| 4. Hamakua Road, Kailua, Oahu  | 100,000 |
| Planning, land acquisition and completion of Hamakua Road, Kailua, Oahu.                 |         |
| 5. Kailua, Oahu  | 50,000  |
| Plans and construction for bikeways. (To be matched by the City and County of Honolulu.) |         |

**Others**

- |  |        |
|--|--------|
| 6. Police Department of Honolulu, Oahu | 75,000 |
| Purchase of equipment.                 |        |

**C-5 DEPARTMENT OF TRANSPORTATION**

(To be expended by the Department of Transportation.)

- |   |        |
|---|--------|
| 1. Kalaniana'ole Highway, Oahu  | 92,000 |
| Plans and construction for highway improvements on Kalaniana'ole Highway from the vicinity of Saddle City towards Waimanalo. Supplements prior appropriation. |        |

**E-5 UNIVERSITY OF HAWAII**

- |   |        |
|---|--------|
| 1. Waimanalo Experimental Farm, Oahu  | 70,000 |
| Plans and construction for controlled environment structure for crops and improvement to existing facilities. |        |

**F-5 DEPARTMENT OF EDUCATION**

- |  |         |
|--|---------|
| 1. Blanche Pope Elementary School, Oahu  | 10,000  |
| Plans and construction for walkway and grounds improvement.  |         |
| 2. Castle High School, Oahu  | 100,000 |
| Plans and construction for auditorium. Supplements prior appropriation.  |         |
| 3. Kaelepulu Elementary School, Oahu   | 10,000  |
| Plans and construction for water fountains and continuation of existing fencing.   |         |
| 4. Kahului School, Maui  | 1,000   |
| Plans, construction and equipment for teachers' workroom. Funds in Item F-150 of Act 187, SLH 1970 may be used for this appropriation. |         |
| 5. Kailua High School, Oahu  | 50,000  |
| Plans and construction for renovation to gymnasium.  |         |
| 6. Keolu Elementary School, Oahu   | 1,000   |
| Plans and construction for library. Unencumbered balances in Items 30 and 84a of Act 202, SLH 1972, may be used for this project.      |         |

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7. Keolu Elementary School, Oahu	10,000
Planning and construction for regrading grass area between boundary and Building A.	
8. Keolu Elementary School, Oahu	150,000
Planning and construction of administration building.	
9. Keolu Elementary School, Oahu	5,000
Planning and construction for extension of water pipes with sprinkler system.	
10. Lahaina High and Intermediate School, Maui	1,000
Plan and construct classrooms and sitework. Funds in Item 72-G-105 of Act 218, SLH 1974 may be used for this appropriation.	
11. Pukalani Elementary School, Maui	1,000
Plans and construction for classrooms, sitework and cafetorium. Unencumbered balances in Item F-144 of Act 187, SLH 1970, and Item II-E-3 of Act 197, SLH 1971, may be used for this project.	
12. Waimanalo Elementary and Intermediate School, Oahu	35,000
Plans and construction for renovation of learning resource center and arts/crafts room.	
13. Waimanalo Elementary and Intermediate School, Oahu	1,000
Plans and construction for renovation to science classroom. Unencumbered balances in Items 30 and 84a of Act 202, SLH 1972, may be used for this project.	
14. Washington Intermediate School, Oahu	1,000
Plans and construction for improvements and renovations to existing facilities and grounds. Funds in Item I-F-130 of Act 197, SLH 1971, may be used for this appropriation.	
15. Washington Intermediate School, Oahu	1,000
Plans and construction to improve and renovate existing facilities. Funds in Item F-32 of Act 187, SLH 1970, may be used for this appropriation.	

### I-5 DEPARTMENT OF SOCIAL SERVICES AND HOUSING

(To be expended by the Department of Social Services and Housing)

1. Kailua Recreational Facilities, Oahu	1,000
Plans and construction for playing fields and other sports events. Unexpended balances in Item IV-J-60 of Act 218, SLH 1974, will be used for this appropriation.	

### N-5 CITY AND COUNTY OF HONOLULU

(To be expended by the City and County of Honolulu)

#### Department of Parks and Recreation

1. Keolu Playground, Oahu	100,000
Plans and construction for covering of basketball and volleyball courts.	
2. Waimanalo Athletic Complex, Oahu	110,000
Plans for a new athletic complex in Waimanalo. Supplements prior appropriation.	

### B-6 DEPARTMENT OF LAND AND NATURAL RESOURCES

(To be expended by the Department of Land and Natural Resources)

1. Kaiaka Point Park	500,000
Land acquisition	

- 2. Aiea Bay, Pearl Harbor, Oahu 1,000  
 Acquisition and development of Aiea Bay, Pearl Harbor, Oahu, into a state park and recreational area to be expended by Department of Land and Natural Resources. Unexpended balances in Item J-12 of Act 218, SLH 1974, will be used for this appropriation.

**C-6 DEPARTMENT OF TRANSPORTATION**

(To be expended by the Department of Transportation)

- 1. Moanalua Road Widening 600,000  
 Land acquisition, plans and construction for widening of Moanalua Road from Lalauao Stream to Aiea interchange.
- 2. Kunia Road Safety Improvements, Oahu 1,000  
 Plans and construction of traffic signals and other safety improvements for Kunia Road in the vicinity of Kunia Interchange, funds authorized under Item IV-B-3 of Act 218, SLH 1974, will be used for this project in lieu of the undercrossing.

**E-6 UNIVERSITY OF HAWAII**

- 1. University of Hawaii, Waialeale Livestock Research Station 300,000  
 Plans and construction of improvements to livestock and feed facilities.

**F-7 DEPARTMENT OF EDUCATION**

- 1. Mililani 4th Elementary, Oahu 1,000  
 Land acquisition and planning for the first increment. Unexpended balances in Items G-63 and G-80 of Act 218, SLH 1974, may be used for this project.
- 2. Mililani 4th Elementary School, Oahu 1,000  
 Land, plans and construction for classrooms and site improvements. Unexpended balances in Items G-63 and G-80 of Act 218, SLH 1974, may be used for this project.
- 3. Momilani Elementary School, Oahu 249,000  
 Plans and construction of play fields, play courts and supporting grounds and site improvements.
- 4. Nanakuli High School, Oahu 524,000  
 Plans, construction and purchase of equipment for gymnasium.
- 5. Pearl City High School, Oahu 225,000  
 Land acquisition, plans, and construction for a gymnasium complex including ground and site improvements.
- 6. Waialua Elementary School, Oahu 133,800  
 Plans and construction for paved playcourt.
- 7. Waianae High School, Oahu 20,000  
 Plans and construction for installation of security lighting.
- 8. Waianae High School 225,000  
 Plans and construction for improvements and renovations to the gymnasium at Waianae High School.
- 9. Waipahu High School, Oahu 224,000  
 Plans and construction for library.
- 10. Waipahu Intermediate School, Oahu 150,000  
 Plans and construction for renovation of general purpose classrooms into special classrooms for special education.

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### N-7 CITY AND COUNTY OF HONOLULU

(To be expended by the City and County of Honolulu)

1. Crestview-Seaview Neighborhood Park 50,000  
Plans and construction for ball fields, comfort station and courts.
2. Mililani District Park, Oahu 450,000  
Plans and construction for ball fields, comfort station, courts, and a gymnasium/recreation center.
3. Nanakuli Interceptor Sewer 550,000  
Construction  
Grant-in-Aid to the City and County of Honolulu for sewerage construction.

### O-7 CITY AND COUNTY OF HONOLULU

(To be expended by the Board of Water Supply, City and County of Honolulu)

1. Mikilua Valley Water System 470,200  
Grant-in-aid to city and county of Honolulu for plans and construction of improvements to Mikilua Valley water system, including Ulehawa Road.
2. Fresh Water Park, Wahiawa, Oahu 225,000  
Supplements appropriation for planning, land acquisition and construction.

### D-8 DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT

(To be expended by the Department of Planning and Economic Development)

1. Pearl City-Pearl Ridge Comprehensive Plan, Oahu 50,000  
Development of a comprehensive master plan which will provide a positive base for a viable urban community capable of qualitative living standards for residents of Pearl City-Pearl Ridge. This appropriation may be supplemented by federal funds.

### F-8 DEPARTMENT OF EDUCATION

1. Highlands Intermediate School, Oahu 200,000  
Plans and construction for renovation of nine classrooms for the science program, including furniture and equipment purchases.
2. Manana Elementary School, Oahu 50,000  
Plans and construction for a parking lot, including ground and site improvements.
3. Momilani Elementary School, Oahu 35,000  
Plans and construction for a covered walkway from classrooms to the dining room.
4. Pearl City Elementary School, Oahu 20,000  
Plans and construction for a 6-foot chain link fence, including ground and site improvements.
5. Pearl City High School, Oahu 380,000  
Plans and construction for a music building, including ground and site improvements.
6. Pearl City High School, Oahu 75,000  
Plans and construction of a library, including ground and site improvements.
7. Waiiau II Elementary School, Oahu 60,000  
Plans and construction for an administration facility and a library.

8. Pearl City High School, Oahu	165,000
Plans and construction for a baseball field, including a backstop, scoreboard, and ground and site improvements.	
9. Pearl City Highlands Elementary School, Oahu	20,000
Plans and construction for ground and site improvements.	
10. Pearl Ridge Elementary School, Oahu	50,000
Plans and construction for a sprinkler system and ground and site improvements.	
11. Waiiau II Elementary School, Oahu	20,000
Plans and construction for a chain link fence, and ground and site improvements.	
12. Waimalu Elementary School, Oahu	40,000
Plans and construction for renovation of a classroom into an administration facility, and ground and site improvements.	
13. Palisades Elementary School, Oahu	20,000
Plans and construction of a parking lot and automatic sprinkler system.	

**H-8 DEPARTMENT OF HEALTH**

1. Waimano Training School and Hospital, Oahu	30,000
Plans and construction of two three-bedroom homes, including ground and site improvements.	

**M-8 DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES**

1. Hale Mohalu Site, Oahu	50,000
Plans and construction of a Little League Stadium on the present Hale Mohalu Hospital site.	

**N-8 CITY AND COUNTY OF HONOLULU**

(To be expended by the City and County of Honolulu)

**Department of Parks and Recreation**

1. Pacific Palisades, Oahu	200,000
Plans and construction of a community swimming pool in Pacific Palisades.	
2. Pearl City Recreation Center, Oahu	35,000
Resurface park and baseball diamond, including ground and site improvements.	

**C-9 DEPARTMENT OF TRANSPORTATION**

(To be expended by the Department of Transportation)

1. Farrington Highway, Oahu	70,000
Plans and construction for installation of traffic lights at Leokane Street.	

**F-9 DEPARTMENT OF EDUCATION**

1. August Ahrens School, Oahu	45,000
Plans and construction for cafeterial van and installation of sprinkler.	
2. Kipapa Elementary School, Oahu	155,000
Plans and construction for classroom buildings.	
3. Lehua Elementary School, Oahu	25,000
Plans and construction for custodial storage facility, chain link fence, ground and site improvements.	
4. Solomon Elementary School, Oahu	5,000
Plans and construction for chain link fence.	

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5. Waipahu Community Library, Oahu Plans and construction for library.	100,000
6. Waipahu High School Gym, Oahu Plans and construction for gym.	700,000
7. Waipahu High School, Oahu Plans and construction for library.	196,000
<b>I-9 DEPARTMENT OF DEFENSE</b>	
1. Wahiawa National Guard Armory, Oahu Plans and construction for installation of backboards for basketball.	4,000
<b>N-9 CITY AND COUNTY OF HONOLULU</b> (To be expended by the City and County of Honolulu)	
<b>Department of Parks and Recreation</b>	
1. Crestview-Seaview Multi-purpose building, Oahu Plans and construction for a multi-purpose building. Unexpended balance in Item IV-B-3 of Act 218, SLH 1974, may be used for this appropriation.	100,000
<b>Department of Public Works</b>	
2. Waipahu Street Improvements, Oahu Plans and construction for walkway.	100,000
<b>C-10 DEPARTMENT OF TRANSPORTATION</b> (To be expended by the Department of Transportation)	
1. Farrington Highway, Oahu Plans and construction for traffic control lights at major intersections along Waianae Coast.	50,000
2. Farrington Highway, Oahu Plans and construction of median opening on Farrington Highway at Waiomea Street, Nanakai Gardens.	30,000
3. Farrington Highway, Oahu Plans and construction of drainage system on Farrington Highway in Nanakuli area.	60,000
<b>F-10 DEPARTMENT OF EDUCATION</b>	
1. Barber's Point Elementary School, Oahu Plans and construction for paved playcourts, fencing and site improvements.	55,000
2. Campbell High School, Oahu Plans and construction for paved playcourts, fencing, drainage and site improvements.	80,000
3. Ewa Beach Elementary School, Oahu Plans for a dining room.	50,000
4. Nanaikapono Elementary School, Oahu Plans and construction for improvements to the library facility.	11,000
5. Nanakuli Second Elementary School, Oahu Plans for a serving kitchen, multi-purpose dining room building and site improvements.	90,000
6. Nanakuli High School, Oahu Plans and construction for a gymnasium.	65,000



7. Nanaikapono Elementary School, Oahu	40,000
Plans and construction for renovations to kitchen-dining room facility, macadam walkways and planning and construction of ground and site improvements.	
8. Waianae Elementary School, Oahu	30,000
Plans and construction for installation of electrical fire alarm system and chain link fence.	
9. Maili Elementary School, Oahu	80,000
Plans and construction for connection of existing sanitary lines to sewer trunk lines, filling in of cesspools, installation of chain link fence and other ground improvements.	
10. Makaha Elementary School, Oahu	9,000
Plans and construction for installation of security lights.	
11. Nanaikapono Elementary School, Oahu	10,000
Plans and construction for installation of security screens and lights.	
12. Makaha Elementary School, Oahu	10,000
Plans and construction for installation of chain link fence between the school and park.	
13. Makakilo Elementary School, Oahu	50,000
Plans and construction for ground and site improvements.	
14. Mauka Lani Elementary School, Oahu	50,000
Plans for a dining room.	

**N-10 CITY AND COUNTY OF HONOLULU**

(To be expended by the City and County of Honolulu)

**Department of Parks and Recreation**

1. Ewa Beach Park, Oahu	50,000
Plans and construction for installation of parking lot lights.	
2. Ewa Beach Community Park, Oahu	10,000
Plans and construction for installation of playground equipment.	
3. Ewa Beach Community Park, Oahu	330,000
Plans and construction for a swimming pool.	
4. Honokai Hale Community Park, Oahu	15,000
Plans and construction for playground equipment for the Honokai Hale Community Park.	
5. Puuloa Park, Oahu	10,000
Plans and construction for installation of playground equipment.	
6. Nanakuli Recreation Park, Oahu	150,000
Plans and construction for a wading pool for young children and architected playground equipment.	
7. Piliilaau Park Facilities, Oahu	80,000
Plans and construction for up-grading of existing basketball courts, tennis courts, volleyball courts, and baseball field night lights.	
8. Nanakuli Recreation Park, Oahu	17,000
Plans and construction for repairs of the pavilion roof, installation of a more secure locking system for the pavilion doors, installation of security lights around the pavilion, and installation of a fence.	
9. Ewa Beach Community Park, Oahu	33,000
Plans and construction for a sidewalk on the North Road adjacent to the fence around Ewa Beach Community Park.	

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## O-10 CITY AND COUNTY OF HONOLULU

(To be expended by the Board of Water Supply)

1. Waianae Valley Road Waterline, Oahu 35,000  
Plans and construction for an eight-inch waterline in Waianae Valley Road, between parcels 53 and 54, tax map key 8-5-04

## B-11 DEPARTMENT OF LAND AND NATURAL RESOURCES

(To be expended by the Department of Land and Natural Resources)

1. Wahiawa Fresh Water Park, Oahu 25,000  
Supplemental appropriation for planning and development.

## C-11 DEPARTMENT OF TRANSPORTATION

(To be expended by the Department of Transportation)

1. Waialua Drainage, Waialua, Oahu 50,000  
Supplement appropriation for the improvement of surface water drainage facilities on Farrington Highway between Kuhi Street and 67-381 Farrington Highway.
2. Poamoho Bridge Lights, Poamoho, Oahu 10,000  
Planning and construction for lights on Kamehameha Highway.
3. Haleiwa Boat Harbor, Haleiwa, Oahu 20,000  
Planning and construction of a pavilion type structure.

## F-11 DEPARTMENT OF EDUCATION

1. Kaala Elementary School, Wahiawa, Oahu 8,000  
Planning and construction of a concrete sidewalk fronting the school.
2. Waialua High School, Waialua, Oahu 100,000  
Planning and construction for the installation of a projection room and renovation of existing auditorium and chairs.
3. Waialua High School, Waialua, Oahu 70,000  
Planning and construction for the installation of a 2-way inter-com system throughout school.
4. Waialua High School, Waialua, Oahu 75,000  
Planning and construction of Industrial Arts classrooms.
5. Waialua High School, Waialua, Oahu 15,000  
Planning and construction for paving the road around the shop buildings and to custodians' cottage.
6. Waialua High School, Waialua, Oahu 8,000  
Planning and construction for improvements to the spray booth; construct tile wall and motorized door.
7. Leilehua High School, Wahiawa, Oahu 20,000  
Supplemental appropriation for planning and construction of an official's and announcer's booth at the Leilehua High School football field.
8. Leilehua High School, Wahiawa, Oahu 1,000  
Supplemental appropriation for planning and construction of playcourt/tennis court and ground improvements. (Unused funds authorized under Act 187, SLH 1970, Item No. F-96, SLH 1970, may be used for this project.)
9. Wahiawa Intermediate School, Wahiawa, Oahu 133,000  
Planning and construction for covering the present physical education area used for basketball, volleyball, and tennis.
10. Haleiwa Elementary School, Haleiwa, Oahu 100,000  
Plans and construction for air conditioning the library.

- 11. Sunset Beach Elementary School, Sunset Beach, Oahu 27,000  
Plans and construction for asphalt footpath along makai side of Kamehameha Highway from entrance of Sunset Elementary School towards Haleiwa to the intersection of Kamehameha Highway and Ke Nui Road.

**I-11 DEPARTMENT OF SOCIAL SERVICES AND HOUSING**

- 1. Elderly Housing, Waialua, Oahu 50,000  
To admit federal funds in the construction of federally-aided low-income rate housing for the elderly in Waialua. (Sum to be expended if bid exceeds federal appropriations. The sum may be expended also to community facilities.)

**N-11 CITY AND COUNTY OF HONOLULU (GRANT-IN-AID)**

(To be expended by the City and County of Honolulu)

- 1. Kaukonahua Stream Erosion and Flood Control, Waialua, Oahu 355,000  
Construction of 3,600 feet of stream wall for Kaukonahua Stream and Kiki Stream along Mokuleia side bank in the Waialua Town Tract, Unit 2 and the Haleiwa side bank in Otake Camp areas including land acquisition. (To be matched by City and County of Honolulu)
- 2. Wahiawa Fred Wright Park, Wahiawa, Oahu 200,000  
Planning and construction for lights on baseball diamond.
- 3. Wahiawa Recreation Center, Fred Wright Park, Wahiawa, Oahu 35,000  
Provide pool heating and hot showers in dressing rooms. (Fund authorized under Act 187, SLH 1970, Item No. N-32, SLH 1970, may be used for this project; provided that any transfer of funds of this project may not be matched.)
- 4. Sunset Beach Parking, Haleiwa, Oahu 50,000  
Planning and construction for off-street parking at Tax Key 5-9-01-38 in vicinity of Paumalu Bridge, Sunset.
- 5. Wahiawa Multi-Purpose Center, Wahiawa, Oahu 50,000  
Appropriation for purchase of equipment.
- 6. Kaala Playground, Wahiawa, Oahu 70,000  
Planning and construction for installation of flood lights for paved courts at Kaala Playground. (Grant-In-Aid)
- 7. Nakeke Place Eight-Inch Main, Wahiawa, Oahu 22,000  
Planning and construction for installation of 500 feet of eight-inch main and appurtenance—hydrants, laterals, valves, valve boxes, etc. along Nakeke Place northward from Puu Place. The eight-inch main will remedy poor pressure and inadequate fire protection conditions along Nakeke Place.
- 8. Salt Lake District Park, Moanalua, Oahu 1,000  
Acquisition of land, planning and construction and improvement of a new community park. Notwithstanding Act 74, SLH 1972, the unencumbered balance in Item IN-010 of Act 187, SLH 1970, for Salt Lake Community Park, Oahu (\$100,000) to be matched by the City and County of Honolulu (\$100,000), will be used for this appropriation.
- 9. Salt Lake Boulevard, Oahu 1,000  
Plans, construction and improvements to Salt Lake Boulevard. Notwithstanding Act 74, SLH 1972, the unencumbered balance in Item IN-038 of Act 187, SLH 1970, for Salt Lake Boulevard, Oahu—plans, construction improvements to Salt Lake Boulevard (\$200,000), to be matched by the City and County of Honolulu (\$200,000) will be used for this appropriation.

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10. Salt Lake District Park, Moanalua, Oahu 1,000  
Acquisition of land, planning and construction, and improvements of a new community park. Notwithstanding Act 74, SLH 1972, the unencumbered balance in Item IN-012 of Act 187, SLH 1970, for Little League Stadium, Oahu—Plans and construction of a Little League Stadium at Keehi Lagoon Park (\$400,000), to be matched by the City and County of Honolulu (\$100,000), will be used for this appropriation.
12. Windward Oahu Schools Improvement, Oahu 1,000  
Planning and construction for improvements at Kahuku High and Elementary Schools and improvements to athletic field at Castle High School (this project to be supplemented by Item F-7 Act 187, SLH 1970, Item C-11, section 86 of Act 218, SLH 1974, Item C-31, section 86 of Act 218, SLH 1974)
13. Kalihi-Kai Elementary School, Oahu 1,000  
Plans and construction of cafetorium at Kalihi-Kai Elementary School. Notwithstanding Act 74, SLH 1972, the unencumbered balance in Item IF65 of Act 187, SLH 1970, for Kalihi-Kai Elementary School, Oahu—Air conditioning and soundproofing of classrooms (\$120,000), will be used for this appropriation.
14. Kalihi-Kai Elementary School, Oahu 1,000  
Plans and construction of cafetorium at Kalihi-Kai Elementary School. The unencumbered balance in Item IE 55 of Act 197, SLH 1971, for Kalihi-Kai Elementary School, Oahu—Soundproofing of 12 classrooms in Building “H” and “I” to shut out noise and supplemental construction funds for improvements (\$300,000), will be used for this appropriation.

### C-12 DEPARTMENT OF TRANSPORTATION

(To be expended by the Department of Transportation)

1. Kewalo Basin, Oahu 35,000  
Planning, construction and installation of additional electrical outlets and facilities at Kewalo Basin for use by commercial fishermen and other users of harbor facilities.
2. Improvements to Materials Testing and Research Laboratory Site and Facility, Oahu 1,000  
Plans and construction of improvements. Notwithstanding Act 74, SLH 1972, the unencumbered balance in Item 1C-026 of Act 187, SLH 1970, for improvements to materials testing and research laboratory site and facility (21,577.18), will be used to supplement this appropriation.
3. Moanalua Road, Oahu 115,000  
Plans, land acquisition and construction for widening and re-alignment of Moanalua Road.
4. Land Acquisition at Pua Lane for Pedestrian Overpass, Oahu 1,000  
Notwithstanding Act 74, SLH 1970, for land acquisition at Pua Lane for pedestrian overpass (15,000), will be used to supplement this appropriation.

### F-12 DEPARTMENT OF EDUCATION

1. Aiea Elementary School, Oahu 34,000  
Plans and construction for grading, grassing, sprinkling, and fencing.
2. Aiea High School, Oahu 45,000  
Plan and construct adult education/lecture demonstration building.

3. Aliamanu Elementary School, Oahu	179,000
Supplement prior appropriation to plan and construct and purchase of equipment for expansion and improvements to library.	
4. Dole Intermediate School, Oahu	100,000
Plans and construction for renovation of band and chorus room for sound-proofing and air conditioning.	
5. Fern Elementary School, Oahu	200,000
Plans and construction to improve campus and grounds.	
6. Kaewai Elementary School, Oahu	1,000
Plans and construction for renovation of library. Notwithstanding Act 74, SLH 1972, the unencumbered balance in Item 1F-045 of Act 187, SLH 1970, for Kaewai Elementary School, Oahu—for renovation of library (30,000), will be used to supplement this appropriation.	
7. Kaiulani Elementary School, Oahu	100,000
Planning and construction for campus improvements to include parking, play-court, lighting, and field improvements.	
8. Kalakaua Intermediate School, Oahu	75,000
Planning and construction of music building, demolition of surplus classrooms, landscaping and campus improvements.	
9. Kalihi Elementary School, Oahu	1,000
Plans and construction for renovation of library. Notwithstanding Act 74, SLH 1972, the unencumbered balance in Item 1F-043 of Act 187, SLH 1970, for Kalihi Elementary School, Oahu—renovation of library (30,000), will be used to supplement this appropriation.	
10. Kalihi Elementary School, Oahu	1,000
Plans and construction for ground improvement for additional playground and for covered play area. Notwithstanding Act 74, SLH 1972, the unencumbered balance in Item 1F-051 of Act 187, SLH 1970, for Kalihi Elementary School, Oahu—ground improvement for additional playground and for covered play area (3,000), will be used to supplement this appropriation.	
11. Kalihi-Kai Elementary School, Oahu	1,000
Plans and construction and purchase of equipment for cafetorium at Kalihi-Kai Elementary School. Notwithstanding Act 74, SLH 1972, the unencumbered in Item 1F-65 of Act 187, SLH 1970, for Kalihi-Kai Elementary School, Oahu—air conditioning and sound-proofing of classrooms (\$120,000), will be used for this appropriation.	
12. Kalihi-Kai Elementary School, Oahu	1,000
Plans and construction and purchase of equipment for cafetorium at Kalihi-Kai Elementary School. The unencumbered balance in Item 1E-55 of Act 197, SLH 1971, for Kalihi-Kai Elementary School, Oahu—soundproofing of 12 classrooms in Building "H" and "I" to shut out noise and supplemental construction funds for improvements (\$300,000), will be used for this appropriation.	
13. Lanakila Elementary School, Oahu	1,000
Plans and construction of new access road onto grounds from Kuakini Street. Notwithstanding Act 74, SLH 1972, the unencumbered balance in Item 1F-052 of Act 187, SLH 1970, for Lanakila Elementary School, Oahu—plans and construction of new access road onto grounds from Kuakini Street (150,000), will be used to supplement this appropriation.	

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14. Likelike Elementary School, Oahu	1,000
Plans and construction for renovation of library workroom and stack area. Notwithstanding Act 74, SLH 1972, the unencumbered balance in Item 1F-061 of Act 187, SLH 1970, for Likelike Elementary School, Oahu—renovate library workroom and stack area, will be used to supplement this appropriation.	
15. Likelike Elementary School, Oahu	116,000
Plans and construction for improvements and renovations to the library.	
16. Likelike Elementary School, Oahu	1,000
Plans and construction for correction of cafetorium ventilation. Notwithstanding Act 74, SLH 1972, the unencumbered balance in Item 1F-042 of Act 187, SLH 1970, for Likelike Elementary School, Oahu—correct ventilation of cafetorium (22,940.06), will be used to supplement this appropriation.	
17. Makalapa Elementary School, Oahu	125,000
Plans and construction of a kitchen.	
18. Moanalua Elementary School, Oahu	5,000
Plans and construction to improve and landscape playground.	
19. Moanalua High School, Oahu	1,000,000
Planning and construction for multi-purpose gymnasium.	
20. Nimitz Elementary School, Oahu	31,000
Planning and construction for improvements to ground facilities, including sprinkler system and drainage correction.	
22. Pearl Harbor Kai Elementary School, Oahu	40,000
Planning and construction of a paved playcourt.	
23. Roosevelt High School, Oahu	1,000
Plans and construction for repairs and improvements to cafeteria and senior patio. Notwithstanding Act 74, SLH 1972, the unencumbered balance in Item 1F-016 of Act 187, SLH 1970, for Roosevelt High School, Oahu, bleachers on makai side of Roosevelt stadium (96,900) will be used to supplement this appropriation.	
24. Roosevelt High School, Oahu	1,000
Plans and construction for repairs and improvements to cafeteria and senior patio. Notwithstanding Act 74, SLH 1972, the unencumbered balance in Item 1F-038 of Act 187, SLH 1970, for Roosevelt High School, Oahu, roof over bleachers at Roosevelt stadium (100,000) will be used to supplement this appropriation.	

### H-12 DEPARTMENT OF HEALTH

(To be expended by the Department of Health)

1. Kuakini Hospital, Oahu	500,000
Grant-In-Aid to Kuakini Hospital for planning, construction, and equipment of a 150-bed care home for elderly people; a day care center for elderly people; and a 100-bed intermediate care facility for the proposed new Kuakini Home Complex.	
2. Pacific Institute of Rehabilitation of Medicine	50,000
Grant-in-aid for plans and construction for renovations to existing buildings.	
3. St. Francis Hospital, Oahu	500,000
Grant-In-Aid to St. Francis Hospital for planning, construction and modernization for surgery, emergency room and other related facilities.	

**I-12 DEPARTMENT OF SOCIAL SERVICES AND HOUSING**

(To be expended by the Hawaii Housing Authority)

- 1. Puuwai Momi Housing Association, Oahu 300,000  
Plans and construction for renovation and improvements to Puuwai Momi Housing, including screen doors, non-skid strips on interior stairs, interior painting, repair of interior cracked walls replacing baseboards, termite treatment, and other site and building improvements.

**N-12 CITY AND COUNTY OF HONOLULU**

(To be expended by the City and County of Honolulu)

- 1. Booth Park, Oahu 100,000  
Design and construction and purchase of equipment for pavilion area.
- 2. Portable swimming pools, Kalihi Valley Playground, Oahu 1,000  
Plans and construction and purchase of three portable pools and one special institutional pool to support a pilot project for a joint program between the State Department of Education and the Department of Parks and Recreation of the City and County of Honolulu to teach school children to swim. Notwithstanding Act 74, SLH 1972, the unencumbered balance in Item 1N-007 of Act 187, SLH 1970, for portable swimming pools, Kalihi Valley Playground Oahu—pilot program to teach school children to swim (8,583.12), will be used to supplement this appropriation.
- 3. Kalihi Valley, Oahu 100,000  
Planning and construction of general improvements to the Kalihi Valley area.
- 4. Moanalua Gardens Park, Oahu 10,000  
Plans and construction to resurface park and baseball diamonds.
- 5. Nuuanu Valley Park 73,000  
Design and construction to improve and enlarge existing restroom/pavilion
- 6. Nuhelewai, Kapalama Drainage and Flood Control Improvements 1,000  
Supplemental appropriation for continuation of land acquisition, planning and construction of storm drainage improvements and retaining walls in the Nuhelewai, Kapalama Areas (unexpended balances in Item I-K-64 of Act 176, SLH 1972, and Item IV-J-76 of Act 218, SLH 1974, will be used for this project).
- 7. Pooholua Drive—Kahilina Place Storm Drain, Oahu 50,000  
Plans and construction for a storm drain and acquisition of right of way, from Pooholua Drive to Kahilina Place.
- 8. Salt Lake District Park, Moanalua, Oahu 1,000  
Acquisition of land, planning and construction, and improvements of a new community park. Notwithstanding Act 74, SLH 1972, the unencumbered balance in Item 1N-012 of Act 187, SLH 1970, for Little League Stadium, Oahu—plans and construction of a Little League Stadium at Keehi Lagoon Park (\$400,000), to be matched by the City and County of Honolulu (\$100,000), will be used for this appropriation.
- 9. Salt Lake District Park, Moanalua, Oahu 1,000  
Acquisition of land, planning, and construction and improvement of a new community park. Notwithstanding Act 74, SLH 1972, the unencumbered balance in Item 1N-010 of Act 187, SLH 1970, for Salt Lake Community Park, Oahu (\$100,000) to be matched by the City and County of Honolulu (\$100,000) will be used for this appropriation.

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- 10. Salt Lake Boulevard, Oahu 1,000  
Plans, construction and improvements to Salt Lake Boulevard. Notwithstanding Act 74, SLH 1972, the unencumbered balance in Item IN-038 of Act 187, SLH 1970, for Salt Lake Boulevard, Oahu—plans and acquisition, construction and improvements to Salt Lake Boulevard (\$200,000), to be matched by the City and County of Honolulu (\$200,000) will be used for this appropriation.
  
- 11. Salt Lake Boulevard, Oahu 1,000,000  
Additional appropriation for land acquisition, plans, and construction for the realignment, widening, and improvements of Salt Lake Boulevard between Halawa Heights and Puuloa Road.

**F-13 DEPARTMENT OF EDUCATION**

- 1. Kawanakoa Intermediate School, Oahu 100,000  
Plans and construction for renovations to the existing auditorium, including seating and painting.
  
- 2. Lincoln Elementary School, Oahu 103,600  
Supplementary appropriation for planning and construction of improvements to the existing library, including air conditioning and carpeting.
  
- 3. Nuuanu Elementary School, Oahu 53,600  
Plans and construction for improvements to existing buildings and grounds.
  
- 4. Pauoa Elementary School, Oahu 30,000  
Plans and construction for replacement of present casement windows in Buildings B and C with wooden jalousies.
  
- 5. Roosevelt High School, Oahu 40,000  
Plans and construction for improvements to existing library, including air conditioning and carpets.
  
- 6. Roosevelt High School, Oahu 20,000  
Plans for the development of an athletic and physical education complex.
  
- 7. Roosevelt High School, Oahu 20,000  
Plans and construction for renovations of the existing auditorium.
  
- 8. Roosevelt High School, Oahu 60,000  
Plans and construction for renovations to Building A.
  
- 9. Roosevelt High School, Oahu 40,000  
Plans and construction for renovations and remodeling of Industrial Arts Building.
  
- 11. Stevenson Intermediate School, Oahu 20,000  
Planning and construction for improvements to existing classrooms.
  
- 12. Stevenson Intermediate School, Oahu 107,800  
Planning and construction of new facilities and improvements to existing facilities as follows: for storage, office, and restrooms, etc. as needed to coordinate after-school activities; lighting for the athletic field as required for activities; improvements to existing facilities; covered extensions of present classroom areas, multi-use courts, baseball diamond, etc.; construction of tennis and handball courts. Supplements prior appropriations.



**G-13 DEPARTMENT OF HAWAIIAN HOME LANDS**

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|---|---------|
| 1. Papakolea Homestead Road, Oahu   | 205,000 |
| Plans and construction for a roadway running along the Waikiki boundary of the residential lots abutting Tantalus Drive, connecting Tantalus Drive with the Iaukea Street extension in Papakolea. |         |

**N-13 CITY AND COUNTY OF HONOLULU**

(To be expended by the City and County of Honolulu)

**Department of Parks and Recreation**

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|--|---------|
| 1. Alewa Heights Park, Oahu  | 700,000 |
| Land acquisition and plans for a limited use park, approximately 3.03 acres on the 1800 block of Alewa Drive (Na Pucio Tract)—Tax Key No. 1-8-29:47. |         |

**F-14 DEPARTMENT OF EDUCATION**

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|--|---------|
| 1. Dole Intermediate School, Oahu  | 52,500  |
| Plans and construction for renovation of locker rooms for additional use as classrooms, including rearrangement of lockers, installation of wiring and outlets for AV-TV, and installation of office windows.                                  |         |
| 2. Dole Intermediate School, Oahu  | 150,000 |
| Plans and construction for renovation and repair of library facilities.  |         |
| 3. Kaewai Elementary School, Oahu  | 150,000 |
| Plans and construction for concrete retaining wall, chain link fence between school and recreation center, including installation of screens for windows for classrooms, furnishings for teachers' dining room.                                |         |
| 4. Kaewai Elementary School, Oahu  | 10,000  |
| Plans and construction for fence between Kaewai Elementary School and Aoao Ditch.  |         |
| 5. Kalihi Elementary School, Oahu  | 100,000 |
| Plans and construction for replacement of existing light fixtures for thirty classrooms and the cafeteria, including installation of electrical outlets, cable vision, and electrical rewiring of classrooms.                                  |         |
| 6. Kalihi-Uka Elementary School, Oahu  | 100,000 |
| Plans and construction for rain barrier between Building A and B, including a canopy over the stairway of Building A, fence around the parking lot, replacement of air vent fans in lavatories, teacher workroom and classrooms of Building C. |         |
| 7. Kalihi-Waena Elementary School, Oahu  | 100,000 |
| Plans and construction for improvements of playground, including expansion of parking lot.   |         |
| 8. Kapalama Elementary School, Oahu  | 100,000 |
| Plans and construction for enclosing kindergarten patio.   |         |

**I-14 DEPARTMENT OF SOCIAL SERVICES AND HOUSING**

(To be expended by the Department of Social Services and Housing)

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|---|--------|
| 1. Kalihi Valley Housing Association, Oahu  | 75,000 |
| Plans, construction and equipment for minipark between buildings 19 and 24, and a retaining wall. |        |
| 2. Kalihi Valley Housing Association, Oahu  | 50,000 |
| Plans and construction for improvement of kitchen and replacement of equipment.                   |        |

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| 3. Kalihi Valley Housing Association, Oahu<br>Plans, construction and equipment for concrete slab between apartments A and J, chain link fence and playground equipment. | 100,000 |
| 4. Kalihi Valley Housing Association, Oahu<br>Plans and construction for installation of three mercury vapor street lamps and glazed tile for bathroom.                  | 50,000  |
| 5. Kalihi Valley Housing Association, Oahu<br>Plans and construction for concrete retaining wall with chain link fence and a concrete storage room.                      | 50,000  |
| 6. Kuhio Park Terrace, Oahu<br>Continued operations of the Inter-Agency Council (Matching funds from the Federal Government).  | 12,500  |

### M-14 DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES

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|---|---------|
| 1. Hawaii State Senior Center, Oahu<br>Plans, construction and equipment for a freestanding kitchen and a new roof. | 150,000 |
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### N-14 CITY AND COUNTY OF HONOLULU

(To be expended by the City and County of Honolulu)

#### Department of Parks and Recreation

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|--|---------|
| 1. Kuhio Park Terrace Multi-Purpose Center, Oahu<br>Plans and construction for a multi-purpose center. Unexpended balances in Item I-K-21, Act 197, SLH 1971, will be used for this appropriation. | 150,000 |
| 2. Bernice P. Bishop Museum, Oahu<br>Continued operations for the Hawaii Foundation for History and the Humanities.  | 100,000 |

### F-15 DEPARTMENT OF EDUCATION

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|---|---------|
| 1. Aliamanu Intermediate School, Oahu<br>Supplement prior appropriation for the renovation and expansion of existing music building.  | 110,000 |
| 2. Farrington High School, Oahu<br>Plans and construction for improvements to existing facilities (Social Studies Building, Business Office, Administration Building and Photo Room). | 100,000 |
| 3. Kauluwela Elementary School, Oahu<br>Plans and construction for soundproofing of buildings.  | 75,000  |
| 4. Moanalua High School, Oahu<br>Supplement prior appropriation for the construction of library.  | 275,000 |
| 5. Moanalua High School, Oahu<br>Plan and construct athletic field.   | 123,000 |
| 6. Puuhale Elementary School, Oahu<br>Planning and construction of playcourt improvements.  | 40,000  |
| 7. Radford High School, Oahu<br>Construction of gymnasium addition. Unencumbered balances in Act 218, SLH 1974, Item E-103 may be used for this appropriation.                        | 85,000  |

**H-15 DEPARTMENT OF HEALTH**

- 1. Kinau Hale, Oahu 2,000  
 Planning and construction for improvements to facilities, including air conditioning, office partitions, painting, plumbing, laboratory, parking area, furnishings.

**I-15 DEPARTMENT OF SOCIAL SERVICES AND HOUSING**

(To be expended by the Department of Social Services and Housing)

- 1. Kaahumanu Homes, Oahu 100,000  
 Plans and construction for repair/reroofing of buildings.
- 2. Kamehameha Homes, Oahu 100,000  
 Plans and construction for improvements to drainage.
- 3. Mayor Wright Homes, Oahu 200,000  
 Plans and construction for improvements to existing kitchen facilities.

**N-15 CITY AND COUNTY OF HONOLULU**

(To be expended by the City and County of Honolulu)

**Department of Parks and Recreation**

- 1. Kalakaua Recreation Center, Oahu 90,000  
 Plans and construction for Increment II.
- 2. Salt Lake District Park, Moanalua, Oahu 200,000  
 Acquisition of 16 acres of land and planning and construction of a new community park. First increment—master plan of park and design and engineering of initial site work. Second increment—construction of site work, utilities, ball fields, courts, parking, play apparatus, fencing and landscaping. Third increment—construction of recreation center. Fourth increment—construction of 25-meter swimming pool.

**C-16 DEPARTMENT OF TRANSPORTATION**

(To be expended by the Department of Transportation)

- 1. Plans and construction for installation of traffic lights at the intersection of Kaua Street and Ala Mahamoe Street. (Unexpended balances in Item C-33 of Act 187, SLH 1970 may be used for this appropriation.) 50,000

**F-16 DEPARTMENT OF EDUCATION**

- 1. Aiea High School, Oahu 199,000  
 Plan and construct adult education/lecture demonstration building.
- 2. Aiea Elementary School, Oahu 1,000  
 Renovate existing classrooms for special education programs. Unexpended balances in Item 72 A-IV-E85 of Act 218, SLH 1974 will be used for this appropriation.
- 3. Moanalua Elementary School, Oahu 70,000  
 Plans and construction to improve and landscape playground.
- 4. Moanalua Intermediate School, Oahu 75,000  
 Supplement prior appropriation for construction of practical arts building.
- 5. Moanalua High School, Oahu 5,000  
 Plans and construction for acquisition and installation of scoreboard for athletic field.
- 6. Pearl Harbor Elementary School, Oahu 11,000  
 Plan for replacement of glass windows with wooden jalousies.

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| 7. Red Hill Elementary School, Oahu<br>Complete construction of chain link fence around playground. | 7,000   |
| 8. Radford High School, Oahu<br>Plans and construction for resurfacing tennis courts.               | 25,000  |
| 9. Scott Elementary School, Oahu<br>Plans and construction for expansion and renovation of library. | 175,000 |

### N-16 CITY AND COUNTY OF HONOLULU

(To be expended by the City and County of Honolulu)

#### Department of Parks and Recreation

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|--|--------|
| 1. Aiea Recreation Center, Oahu<br>Plans and construction for gym recreation acoustical treatment and paved walkways. (To be matched by the City and County of Honolulu)   | 20,000 |
| 2. Makalapa Park, Oahu<br>Construct court lights. (To be matched by the City and County of Honolulu)   | 20,000 |
| 3. Moanalua Gardens Park, Oahu<br>Resurface park and baseball diamonds.  | 40,000 |
| 4. Moanalua Gardens Recreation Center, Oahu<br>Supplemental funds for plans and construction of a recreation center which shall include meeting rooms, and rooms for other recreational and social activities. Unexpended balances in Item IV-J-5 of Act 218, SLH 1974, will be used for this appropriation. | 1,000  |
| 5. Moanalua Gardens Recreation Center, Oahu<br>Planning and construction of a recreation center on State land adjacent to Moanalua Intermediate School. To be matched by City and County of Honolulu. Unexpended balances in Item I-K-31 of Act 176, SLH 1972 will be used for this appropriation.           | 1,000  |
| 6. Moanalua Valley Park, Oahu<br>Plan and construct park pavilion. (To be matched by City and County of Honolulu)  | 50,000 |

#### Department of Public Works

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|---|---------|
| 7. Aiea Stream Flood Control, Oahu<br>Plans and construction for Aiea Stream flood control above Moanalua Road.                     | 500,000 |
| 8. Moanalua Gardens Unit 7 Subdivision Relief Drain, Oahu<br>Plans and construction. (To be matched by City and County of Honolulu) | 250,000 |

### B-17 DEPARTMENT OF LAND AND NATURAL RESOURCES

(To be expended by the Department of Land and Natural Resources)

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|--|---------|
| 1. Honolulu Stadium Park and Recreation Complex, Oahu<br>Plans and construction for development, including acquisition of necessary adjacent parcels. Unexpended balances in Item IV-A-4 of Act 218, SLH 1974, may be used for this appropriation. | 1,000   |
| 2. Malaekahana Beach Park (5-8-03 and 5-8-01), Oahu<br>Acquisition of 30 acres. To be supplemented by funds from Item B-111, Section 1 of Act 155, SLH 1969; Item H-4, Section 3 of Act 68, SLH 1971.  | 250,000 |

**D-17 DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT**

(To be expended by the Department of Planning and Economic Development)

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| 1. Urban design planning for Makiki-Tantalus area. | 100,000 |
| 2. Urban design planning for Thomas Square.        | 100,000 |

**E-17 UNIVERSITY OF HAWAII**

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|---|---------|
| 1. Hemenway Hall, University of Hawaii, Manoa Campus, Oahu<br>Plans and construction for renovation and remodeling. | 225,000 |
| 2. Hemenway Hall, University of Hawaii, Manoa Campus, Oahu<br>Plans and construction for renovation and remodeling. | 100,000 |
| 3. Hemenway Hall, University of Hawaii, Manoa Campus, Oahu<br>Plans and construction for renovation and remodeling. | 175,000 |

**F-12 DEPARTMENT OF EDUCATION**

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| 1. Ala Wai Elementary School, Oahu<br>Plans and construction for renovations to facilities and grounds (to supplement Item IV-E-4 of Act 218, 1974).   | 200,000 |
| 2. Central Intermediate School, Oahu<br>Plans and construction for chain link fence.   | 10,000  |
| 3. Jefferson Elementary School, Oahu<br>Plans and construction for paving of sidewalks for wheelchair students.  | 1,500   |
| 4. Kaahumanu School, Oahu<br>Plans and construction for installation of air-conditioning in recently constructed large classrooms.   | 125,000 |
| 5. Kuhio Elementary School, Oahu<br>Plans, construction, and equipment for basketball courts, baseball field, and parking facilities.  | 250,000 |
| 6. Makiki District State Branch Library, Oahu<br>Land acquisition, plans and construction for a State Branch Library as part of the Makiki District Park facilities, located on Keeaumoku Street and Wilder Avenue.                            | 25,000  |
| 7. McKinley High School, Oahu<br>Plans and construction to repair roof leaks on two buildings.   | 25,000  |
| 8. Noelani Elementary School, Oahu<br>Plans and construction for electrical improvements and additional electric outlets for buildings.  | 10,000  |
| 9. Washington Intermediate School, Oahu<br>Plans and construction to improve and renovate existing facilities. Notwithstanding Act 74, SLH 1972, the unencumbered funds in Item F-32 of Act 187, SLH 1970, may be used for this appropriation. | 1,000   |
| 10. Washington Intermediate School, Oahu<br>Plans and construction for improvements and renovations to existing facilities and grounds. Funds in Item I-F-130 of Act 197, SLH 1971, may be used for this appropriation.                        | 1,000   |

**I-12 DEPARTMENT OF SOCIAL SERVICES AND HOUSING**

(To be expended by the Hawaii Housing Authority)

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| 1. Makamae, Pumehana, and Punchbowl Housing Projects, Oahu<br>Plans and construction for improvements and additions to existing facilities (expending agency: Hawaii Housing Authority). | 200,000 |
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| 2. Kalakaua Homes, Oahu<br>Plans and construction for improvements to existing facilities or grounds. | 124,000 |
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**N-12 CITY AND COUNTY OF HONOLULU**

(To be expended by the City and County of Honolulu)

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|--|---------|
| 1. McCully Street and Kapiolani Boulevard Mini-Park, Oahu<br>Land acquisition, plans and construction for development of Mini-Park for all ages. (Unexpended balances in Item I-K-29 of Act 176, SLH 1972, may be used for this appropriation.   | 100,000 |
| 2. Manoa Recreation Center, Oahu<br>Plans and construction for covering of tennis courts.  | 200,000 |
| 3. Tennis and Handball Court Facilities, Honolulu, Oahu<br>Plans and construction for tennis and handball courts at: Ala Moana Park, 8 tennis and 2-3 handball courts; Kapiolani Park, 8 tennis and 2-3 handball courts; Diamond Head Complex, 4 tennis and 2-3 handball courts.   | 325,000 |
| 4. Boys' Club of Honolulu Building, Oahu<br>Plans, construction, and equipment for gymnasium, library, crafts room, and other recreational and club facilities, to be constructed on the grounds of Washington Intermediate School under a lease from the Department of Education which provides for the use of the building by Washington Intermediate School during normal school hours. | 200,000 |
| 5. Urban Recreational Facilities, Oahu<br>Plans, construction, and equipment for development of urban recreational facilities in area bounded by Keeaumoku Street, Kapiolani Boulevard, South King Street and Kalakaua Avenue.   | 100,000 |
| 6. Sixth Senatorial District Parks, Oahu<br>Land acquisition, plans, construction and equipment for new parks and mini-parks.  | 201,500 |
| 7. Sixth Senatorial District Parks, Oahu<br>Land acquisition, plans, and construction for new parks and mini-parks.  | 550,000 |
| 8. Ala Wai Canal Foot-Bike Path Facility, Oahu<br>Plans and construction for a foot-bike path across Ala Wai at foot of University Avenue.   | 250,000 |
| 9. Huelani Drive, Manoa, Oahu<br>Plans and construction for drainage improvements.   | 65,000  |
| 10. Kuhio Avenue, Oahu<br>Plans and construction for widening.   | 225,000 |
| 11. Pohukaina Playground, Oahu<br>Plans and construction for resurfacing of courts.  | 10,000  |
| 12. Sixth Senatorial District Parks, Oahu<br>Land acquisition, plans, and construction for new parks and mini-parks.   | 175,000 |

**O-12 CITY AND COUNTY OF HONOLULU**

(To be expended by the Board of Water Supply, City and County of Honolulu)

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| 1. Mahiai Street Water Main, Oahu<br>Plans and construction for installation of 600 feet of 8" main and appurtenants along Mahiai Street from Kaipuu Street. | 25,000 |
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- 2. Kona Street Water Main, Oahu 25,000  
Installation of 600 feet of 8" main and appurtenants along Kona Street between Pensacola and Piikoi Streets.
- 3. Kawaihao Street Water Main, Oahu 25,000  
Plans and construction for installation of 600 feet of 8" main and appurtenants along Kawaihao Street between Cummings Street and Ward Avenue.

**F-18 DEPARTMENT OF EDUCATION**

- 1. Jefferson Elementary School, Oahu 350,000  
Plans and construction for a library and administration building.

**N-18 CITY AND COUNTY OF HONOLULU**

(To be expended by the City and County of Honolulu)

**Department of Parks and Recreation**

- 1. Ala Wai Park Complex, Oahu 217,000  
Plans and construction for implementation of Ala Wai Park Complex Master Plan.
- 2. Ala Wai Canal Foot-Bike Path Facility, Oahu 250,000  
Plans and construction for a foot-bike path across Ala Wai at foot of University Avenue.
- 3. Honolulu Zoo, Oahu 132,000  
Construction of new refreshment center, restroom center, restroom facility.
- 4. Honolulu Zoo, Oahu 125,000  
Construction and landscaping of African Lion Exhibit.
- 5. Tennis and Handball Court Facilities, Oahu, Honolulu 325,000  
Plans and construction for tennis and handball courts at: Ala Moana Park, 8 tennis and 2-3 handball courts; Kapiolani Park, 8 tennis and 2-3 handball courts; Diamond Head Complex, 4 tennis and 2-3 handball courts.

**O-18 CITY AND COUNTY OF HONOLULU**

(To be expended by the Honolulu Board of Water Supply)

- 1. Water Facility Project in the Eleventh Representative District, Oahu 101,000  
For planning, engineering, construction and inspection of the appurtenances, including hydrants, laterals, valves, valve boxes, etc., along Kaiulani Avenue between Ala Wai Boulevard and Kuhio Avenue, Waikiki, Oahu.

**F-19 DEPARTMENT OF EDUCATION**

- 1. Ala Wai School, Oahu 200,000  
Plans and construction for improvements to facilities and grounds, including renovations.
- 2. Kaimuki High School, Oahu 50,000  
Plans and construction for improvements to P.E. athletic locker shower facilities, including improvements for security and renovations.
- 3. Kaimuki High School, Oahu 200,000  
Plans and construction for improvements to existing facilities, including renovations.

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4. Lunalilo School, Oahu	100,000
Plans and construction for renovation of an existing classroom building to a multi-purpose room, including furnishings.	
5. Lunalilo School, Oahu	1,000
Plans and construction for installation of four removable steel posts to block a driveway.	
6. Washington Intermediate School, Oahu	15,000
Plans and construction for a chain link fence along King Street.	
7. Washington Intermediate School, Oahu	300,000
Plans and construction for improvements and repairs to existing facilities and grounds, athletic area for community recreation, including landscaping.	
8. Washington Intermediate School, Oahu	50,000
Plans and construction for improvements to central courtyard, including paving, correction of existing drainage and addition of new benches.	

### M-19 DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES

1. Moiliili Community Center, Oahu	300,000
Grant-in-aid. Construction of a multi-purpose building and purchase of necessary furnishings (\$200,000) and for community planning and development (\$100,000). Funds appropriated in Act 218, SLH 1974, section 72A, Item IV-J-48, shall be considered as a grant-in-aid and shall be used for this project.	

### N-19 CITY AND COUNTY OF HONOLULU

(To be expended by the City and County of Honolulu)

#### Department of Parks and Recreation

1. Art-Cultural Ethnic Center for McCully-Moiliili, Oahu	75,000
Plans for an art-cultural ethnic center providing facilities, programs, and services for the broad, general communities developing experimental, innovative major center and satellite centers. Input for facilities, programs and services shall be by such professional services and by a general advisory committee and by other advisory committees in such general and/or specific areas as the art, music, drama (theater), Hawaiiana, ethnic-cultural programs, home arts, and humanities. Grant-in-aid project.	
2. McCully Recreation Center, Oahu	59,000
Plans and construction for completion of Center, including floodlights, equipments, pavements, and other improvements. Grant-in-aid project.	
3. McCully Street and Kapiolani Boulevard Mini-Park, Oahu	100,000
Land acquisition, plans and construction for development of mini-park for all ages. (Unexpended balances in Item I-K-29 of Act 176, SLH 1972, may be used for this appropriation.)	
4. Thomas Square Theatre Project, Oahu	50,000
Grant-in-aid. Annual Hawaii Theatre festival.	

### B-20 DEPARTMENT OF LAND AND NATURAL RESOURCES

(To be expended by the Department of Land and Natural Resources)

1. Makiki-Tantalus State Park Complex, Oahu	165,000
Plans and construction for development of the park complex.	
2. Manoa Valley, Oahu	60,000
Plans and construction for establishment of trail system.	



**E-20 UNIVERSITY OF HAWAII**

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| 1. Hawaiian Canoe Paddling Program, Statewide<br>Equipment and services.   | 15,000 |
| 2. Lyon Arboretum, Oahu<br>Plans and construction for installation of railings and renovation of<br>existing office building in Manoa including conversion of garage to of-<br>fice, repair of sidings and floor, repainting, re-roofing, and extension of<br>caves. | 30,000 |

**F-20 DEPARTMENT OF EDUCATION**

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| 1. Makiki District State Library Branch, Oahu<br>Land acquisition, plans and construction for a state library branch as<br>part of Makiki District Park facilities, located on Keeaumoku Street<br>and Wilder Avenue.  | 1,078,050 |
| 2. Manoa School, Oahu<br>Plans and construction for a covered walkway from the roadside to<br>Building B.  | 10,000    |
| 3. Manoa School, Oahu<br>Plans and construction for installation of two canopies over the student<br>dismount area adjacent to the cafetorium.   | 15,000    |
| 4. Manoa School, Oahu<br>Plans and construction for conversion of three regular classrooms into<br>one art room and one music room.  | 65,000    |
| 5. Noelani School, Oahu<br>Plans and construction for improvements for library building, including<br>carpets and air conditioning.  | 45,000    |
| 6. Roosevelt High School, Oahu<br>Plans and construction for interior renovation of Building A, including<br>new flooring, new lights, acoustical or tiled ceilings, new panel or cork<br>wall boards, improved wiring.  | 90,000    |
| 7. Roosevelt High School, Oahu<br>Plans for new physical education-athletic complex.   | 30,000    |
| 8. Roosevelt High School, Oahu<br>Plans and construction for upgrading of auditoriums.   | 30,000    |
| 9. Roosevelt High School, Oahu<br>Plans and construction for library building, including carpets, air con-<br>ditioning.   | 60,000    |
| 10. Roosevelt High School, Oahu<br>Plans and construction for renovation and remodeling of industrial arts<br>building.  | 60,000    |
| 11. Stevenson Intermediate School, Oahu<br>Plans and construction for improvement to existing classrooms. Sup-<br>plements prior appropriations.   | 30,000    |
| 12. Stevenson Intermediate School, Oahu<br>Plans and construction for new facilities and improvements to existing<br>facilities as follows: lighting for the athletic field as required for activi-<br>ties; facilities for storage, office and restrooms, etc., as needed to co-<br>ordinate after-school activities; improvements to existing facilities;<br>covered extensions of present classroom areas, multi-use courts, base-<br>ball diamonds, etc., construction of tennis and handball courts. Supple-<br>ments prior appropriations. | 161,700   |

**N-20 CITY AND COUNTY OF HONOLULU**

(To be expended by the City and County of Honolulu)

**Department of Parks and Recreation**

- 1. Makiki Pumping Station Park Area, Oahu 13,750  
Plans and construction for park facilities, including picnic tables and benches, and restroom facilities. (Funds to be matched by the City and County of Honolulu.)
- 2. Manoa Recreation Center, Oahu 7,500  
Plans and construction for installation of waste containers and picnic tables and benches.
- 3. Manoa Recreation Center, Oahu 147,000  
Plans and construction for improvements to the Center, including construction of a parking lot for the Little League Field and upgrading of basketball court facilities with new basketball supports.
- 4. Mini-Playground Under Freeway, Oahu 2,500  
Plans and construction for expansion of Cartwright Field to include area under overpass; fence. (Funds to be matched by the City and County of Honolulu.)

**Department of Public Works**

- 5. Huelani Drive, Manoa, Oahu 25,000  
Land acquisition, plans and construction for 370 feet of pipe drain from an existing pipe drain to Huelani Drive.

**Department of Transportation Services**

- 6. Makiki Parking Structure, Oahu 25,000  
Plans for a structure over the freeway within the area bounded by Pensacola Street and University Avenue.

**O-20 CITY AND COUNTY OF HONOLULU**

(To be expended by the Honolulu Board of Water Supply)

- 1. Terrace Drive, Manoa, Oahu 57,000  
Plans and construction for installation of eight-inch main and appurtenances along entire length of the drive.
- 2. Seaview Avenue, Manoa, Oahu 27,500  
Plans and construction for installation of eight-inch main and appurtenances along Seaview Avenue between Marques and Hunnewell Streets.

**F-21 DEPARTMENT OF EDUCATION**

- 1. Kaahumanu School, Oahu 17,000  
Plans and construction for installation of non-load bearing walls for Type Four building.
- 2. Pohukaina School, Oahu 208,000  
Plans for renovation of school.
- 3. Kaahumanu School, Oahu 75,000  
Plans and construction for landscaped ball park, play court area, and teachers' parking lot on the site of present administration building (To be demolished this summer).
- 4. Makiki District State Library Branch, Oahu 13,600  
Land acquisition, plans and construction for a State Library Branch as part of Makiki District Park Facilities located on Keeaumoku and Wilder Avenue.

- 5. Roosevelt High School, Oahu 50,000  
Plans and construction for the installation of night lights on campus.
- 6. Stevenson Intermediate School, Oahu 28,600  
Supplementary appropriation for the construction of an instructional media center.
- 7. Stevenson Intermediate School, Oahu 107,800  
Plans and construction for new facilities and improvements to existing facilities as follows: for storage, office, and restrooms, etc. as needed to coordinate after-school activities; lighting for the athletic field as required for activities; improvements to existing facilities; covered extensions of present classroom areas, multi-use courts, baseball diamond, etc.; construction of tennis and handball courts. Supplements prior appropriation.

**N-21 CITY AND COUNTY OF HONOLULU**  
(To be expended by the City and County of Honolulu)

**Department of Parks and Recreation**

- 1. Ala Moana Park, Oahu 1,000,000  
Plans for improvement and extension of Ala Moana Park.

**B-22 DEPARTMENT OF LAND AND NATURAL RESOURCES**  
(To be expended by the Department of Land and Natural Resources)

- 1. Wawamalu (Queen's) Beach Land Acquisition Project, Oahu 1,600,000  
Acquisition incrementally of all or as much as possible of approximately 102 acres of land makai of Kalaniana'ole Highway bordered by Makapuu Point and Sandy Beach for a state park.
- 2. Paiko Lagoon Wildlife Refuge and Park 600,000  
Acquisition of approximately 19,500 sq. feet of land together with existing road right-of-way being a portion of T.M.K. 3-8-01-69 abutting and generally located west of existing state-owned parcels for planning and construction of a fish and wildlife sanctuary and park at Paiko Peninsula, Oahu. Unencumbered balances in Item IV-A-11, Section 72A, Part IVA, Section 7, Act 218, SLH 1974, shall be used for this project in conjunction with new appropriation.
- 3. Kapiolani Park, Oahu 10,000  
For comprehensive recreational use plan for area between Kuhio and San Souci, Waikiki, Oahu, per S.R. 364, S.D. 1.

**C-22 DEPARTMENT OF TRANSPORTATION**  
(To be expended by the Department of Transportation)

- 1. Small Boat Launching Facility, Maunalua Bay Park, Oahu 50,000  
Plans and construction for a small boat launching ramp at Maunalua Bay Park, Hawaii Kai, Oahu.

**D-22 DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT**  
(To be expended by the Department of Planning and Economic Development)

- 1. Special Education Center of Oahu at the Fort Ruger Complex 150,000  
Plans and construction.

**F-22 DEPARTMENT OF EDUCATION**

- 1. Anuenue Elementary School, Oahu 1,000  
Pave existing play area and provide recreational facilities. Unexpended funds from Act 197, SLH 1971, Item 1-E-10 will be used for this project.

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2. Jarrett Intermediate School Provide for necessary painting of all existing school facilities.	131,000
3. Kaimuki High School, Oahu Construction of auditorium (addition to existing appropriations).	326,000
4. Kaiser High School, Oahu Plans and construction for athletic field improvements, including artificial track.	311,000
5. Kaiser High School, Oahu Plans and construction for swimming pool.	400,000
6. Kamiloiki Elementary School, Oahu Plans and construction for eight classrooms, including four regular classrooms and four classrooms for music, art, science, and special education.	175,000
7. Liliuokalani Elementary School, Oahu Plans and construction for improvements, including sound-proofing and air-conditioning of classrooms, reducing the wind under breezeways, raising the fence, covering the walkway to the administration building and to the cafeteria, and closing Mahina Street for parking.	50,000
8. Niu Valley Intermediate School, Honolulu Planning and construction of band room to accommodate student and community activity programs. Unencumbered balance of Item I-E-31A of Act 176, SLH 1972 and Item I-E-120, Section 2, Act 176, SLH 1972, may be used for this project.	1,000
9. Palolo Elementary School, Oahu Plans for renovations and improvements to library.	5,000

### I-22 DEPARTMENT OF SOCIAL SERVICES AND HOUSING

(To be expended by the Department of Social Services and Housing)

1. Palolo Housing, Oahu Plans for renovation and improvement of office building.	70,000
2. Palolo Housing, Oahu Plans and construction for renovation of kitchen and bathroom facilities.	150,000

### N-22 CITY AND COUNTY OF HONOLULU

(To be expended by the City and County of Honolulu)

1. Ala Wai Canal, Oahu Plans and construction for a silt basin catch at mouth of Palolo Stream where it empties into the Ala Wai Canal, including monitoring; and a management plan for purposes of flood control and recreational fishing.	50,000
2. 22nd Avenue and Kilauea Plan and construct traffic light synchronized with other Kilauea Avenue lights. City matching funds required.	25,000
3. Puu Panini and 22nd Avenue Improvements, Oahu Plans and construction for box drain and intercept. Supplements prior appropriation for this purpose; provided that funds shall be granted on a fifty per cent matching basis if construction is initiated by July 1, 1976, and provided further that any damage to the surface condition of 22nd Avenue shall be satisfactorily repaired.	100,000

4. Lincoln Avenue Improvements	50,000
Plan and construct improvements to Lincoln Avenue from Kapahulu to 6th Avenue, including road and sidewalk improvements. City to match with \$75,000.	
5. Kahala Heights Park, Oahu	99,000
Plan and construct park buildings and recreational equipment. Improve and monitor grounds and vegetation.	
6. Kalaepohaku Park, Oahu	70,000
Plan and construct playground equipment. Improve and maintain grounds and vegetation.	
7. Kamiloiki Community Park, Oahu	50,000
Plans and construction for a recreation center, paved courts and lighting ball fields.	
8. Kilauea Multi-Purpose Recreational Complex, Oahu	50,000
Plans and construction for recreational complex to be located at Kaimuki Intermediate School. Supplements prior appropriations.	
9. Koko Head District Park, Oahu	400,000
Plans and construction for a recreation center-gymnasium complex and swimming pool.	
10. Maunalani Playground, Oahu	25,000
Plans and construction for improvements, including maintenance, recreational facilities, and repairs for continuing problems.	
11. Paki Park, Oahu	50,000
Design, planning and construction of a swimming pool.	
12. Petrie Park, Oahu	100,000
Plan and construct playground equipment, improve and monitor grounds and vegetation and correct slope erosion.	

**F-23 DEPARTMENT OF EDUCATION**

1. Hahaione Elementary School, Oahu	100,000
Plans and construction for general site improvements, including an outdoor stage and long range campus plan for improvements for outdoor programs.	
2. Hahaione Elementary School, Oahu	100,000
Plans and construction to improve ventilation system for Building H.	
3. Kaiser High School, Oahu	121,500
Plans and construction for athletic field improvements, including artificial turf.	
4. Kamiloiki Elementary School, Oahu	75,000
Plans and construction for installation of partitions in four type IV classrooms.	
5. Kamiloiki Elementary School, Oahu	125,000
Plans and construction for eight classrooms, including four regular classrooms and four classrooms for music, art, science, and special education.	
6. Koko Head Elementary School, Oahu	100,000
Plans and construction for new library and parking lot, and purchase of remaining equipment for science and art music building.	

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7. Niu Valley Intermediate School, Oahu	100,000
Plans and construction for renovation of physical education court facilities, including resurfacing of black top and replacement of basketball units, and installation of lawn sprinkling system for physical education field.	
8. Niu Valley Intermediate School, Oahu	150,000
Plans and construction for improvements to the school band and choral rooms.	
9. Wailupe Elementary School, Oahu	40,000
Plans and construction for general maintenance and upkeep.	
<b>H-23 DEPARTMENT OF HEALTH</b>	
1. Emergency Medical Facility/Hospital, Oahu	20,000
Study to determine the community requirements and site location of such a facility.	
<b>N-23 CITY AND COUNTY OF HONOLULU</b>	
(To be expended by the City and County of Honolulu)	
<b>Department of Parks and Recreation</b>	
1. Kamiloiki Community Park, Oahu	100,000
Plans and construction for a recreation center, paved courts and lighting ballfields.	
2. Koko Head District Park, Oahu	200,000
Plans and construction for a recreation center-gymnasium complex and swimming pool.	
3. Niu Valley Park, Oahu	150,000
Plans and construction for the improvement of park facilities adjacent to Niu Valley Intermediate School.	
<b>O-23 CITY AND COUNTY OF HONOLULU</b>	
(To be expended by the Honolulu Board of Water Supply)	
1. Kuliouou Waterline Development, Oahu	18,500
Plans and construction for installation of 400 feet of eight-inch main and appurtenance, including hydrants, laterals, valves, valve boxes, etc. along Manakapa Place and Kawekiu Way.	
<b>B-24 DEPARTMENT OF LAND AND NATURAL RESOURCES</b>	
(To be expended by the Department of Land and Natural Resources)	
1. Diamond Head State Park, Oahu	10,000
Plans and construction for incremental improvements to Diamond Head Crater and state lands to improve access and provide facilities for greater public utilization, including improvement of exterior roadways, development of parking facilities near the crater, landscaping, and marking and improvement of trails within the State Monument.	
<b>C-24 DEPARTMENT OF TRANSPORTATION</b>	
(To be expended by the Department of Transportation)	
1. Kalaniana'ole Highway, Oahu	1,000
Plans and construction for improvements, including but not limited to synchronized traffic signals from Aina Koa to Hawaii Kai, a reversible bus lane provided that such lane shall be available for the use of car pool vehicles carrying three or more occupants, bikeways, and pedestrian crossings. No state funds shall be used for jughandles where such project is contrary to the will of a majority of residents in the area directly affected.	

## F-24 DEPARTMENT OF EDUCATION

1. Aina Haina Elementary School, Oahu Plans and construction for renovation and improvement of existing library, including carpeting and air conditioning, to supplement prior appropriations.	100,000
2. Kahala Elementary School, Oahu Plans and construction for repairs and maintenance.	50,000
3. Kaimuki Intermediate School, Oahu Plans and construction for extension of paved parking lot.	3,000
4. Kaimuki Intermediate School, Oahu Plans and construction for repair of existing P.A. system and installation where none exists.	5,000
5. Kaimuki Intermediate School, Oahu Plans and construction for installation of acoustical tiles in four science classrooms.	8,000
6. Kaimuki Intermediate School, Oahu Plans and construction for improvement of drainage of rain water from 18th Avenue which causes flooding and accumulation of mud puddles for long duration, plus building repair and replacement of damaged parts.	50,000
7. Kaimuki Intermediate School, Oahu Plans and construction for paving basketball and volleyball courts.	3,000
8. Kalani High School, Oahu Plans and construction for a media center. Supplements prior appropriations for this purpose.	200,000
9. Kalani High School, Oahu Plans and construction for improvement and renovation of present physical facilities and grounds, including but not limited to repair of roofs, track and tennis courts, replacement of windows, installation of non-skid strips along stairways and walkways, painting of buildings, and cleaning areas overgrown with weeds.	175,000
10. Kalani High School, Oahu Plans and construction for a student activities center.	100,000
11. Kalani High School, Oahu Plans and construction for renovation of cafeteria into a cafetorium concept, with stage. Funds shall be allocated for this project, notwithstanding any provision of chapter 37, H.R.S.	250,000
12. Kalani High School, Oahu Plans and construction for ground improvements for educational programs.	50,000
13. Kalani High School, Oahu Plans and construction for a teacher work center.	100,000
14. Wailupe Elementary School, Oahu Plans and construction to improve access to playground and wind barrier along covered walkway. Supplements prior appropriations.	1,000
15. Wilson Elementary School, Oahu Plans and construction for improvements, including repairs and maintenance, painting of buildings, termite control, renovation of library and administrative buildings, air conditioning of library building, and repairs and maintenance for playground. Supplements prior appropriations.	75,000

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## N-24 CITY AND COUNTY OF HONOLULU

(To be expended by the City and County of Honolulu)

### Department of Parks and Recreation

1. Kahala Park, Oahu 2,000  
Plans and construction for installation of night lights. Supplements prior appropriation for this purpose; provided that all such funds for this purpose shall be transferred to the Kilauea Multi-Purpose Recreational Complex to be located on the grounds of Kaimuki Intermediate School.
2. Kilauea Multi-Purpose Recreational Complex, Oahu 100,000  
Plans and construction for recreational complex to be located at Kaimuki Intermediate School. Supplements prior appropriations.

### Department of Public Works

3. Puu Panini and 22nd Avenue Improvements, Oahu 50,000  
Plans and construction for box drain and intercept. Supplements prior appropriation for this purpose; provided that funds shall be granted on a fifty per cent matching basis if construction is initiated by July 1, 1976, and provided further that any damage to the surface condition of 22nd Avenue shall be satisfactorily repaired.
4. 22nd Avenue Improvements, Oahu 13,000  
Plans and construction for resurfacing of 22nd Avenue from Diamond Head Road to Kilauea Avenue. Funds shall be allocated for this project notwithstanding any provision of chapter 37, H.R.S.

### Department of Transportation Services

5. Special Hill Climbing Buses, Oahu 30,000  
Purchase of buses to serve but not limited to the Waialae Nui Ridge area.

## O-24 CITY AND COUNTY OF HONOLULU

(To be expended by the Honolulu Board of Water Supply)

### Water Supply

1. Keanu Street Water Main, Oahu 25,000  
Plans and construction of eight-inch main and appurtenance along Keanu Street eastward from Ekaha Street, provided that drainage facilities are installed adjacent to the water main and on Hoku Avenue; and provided further that State matching funds shall be provided on the following schedule: \$25,000, if construction is initiated on or before July 1, 1975; \$15,000, if construction is initiated on or before July 1, 1976; and \$5,000, if construction is initiated on or before June 30, 1977.

## F-25 DEPARTMENT OF EDUCATION

1. Aliiolani Elementary School, Oahu 225,000  
Plans and construction for improvements including repairs, renovations and painting of all necessary buildings.
2. Hokulani Elementary School, Oahu 200,000  
Plans and construction for improvements and extension to library facilities.
3. Palolo Elementary School, Oahu 28,000  
Plans for renovations and improvements to library.
4. Palolo Elementary School, Oahu 30,000  
Plans for retaining wall to deter erosion as well as for terracing land to level off playground area.



- 5. Palolo Elementary School, Oahu 150,000  
Plans and construction for renovations and improvements to Building "A" for security and instructional needs.

**I-25 DEPARTMENT OF SOCIAL SERVICES AND HOUSING**

- 1. Palolo Housing, Oahu 100,000  
Plans and construction for renovation of kitchen and bathroom facilities.
- 2. Palolo Housing, Oahu 30,000  
Plans for renovation and improvement of office building.

**N-25 CITY AND COUNTY OF HONOLULU**

(To be expended by the City and County of Honolulu)

**Department of Parks and Recreation**

- 1. Kanewai Field, Oahu 100,000  
Plans and construction for a swimming pool.
- 2. Kanewai Field, Oahu 75,000  
Plans and construction for renovating and enlargement of restrooms, including installment of locker rooms and showers.
- 3. Maunalani Playground, Oahu 100,000  
Plans and construction for improvements, including maintenance, recreational facilities, and repairs for continuing problems.
- 4. Palolo Playground, Oahu 150,000  
Supplemental appropriations for construction of swimming pool.
- 5. Palolo Playground, Oahu 200,000  
Plans and construction for reconstruction of outdoor courts.

**Department of Public Works**

- 6. Palolo Stream, Oahu 1,000  
Land acquisition, plans and construction for retaining wall to prevent erosion along Palolo Stream from Keanu Street to St. Louis Drive, including preparing environmental impact statement. Unexpended balances in Item I-K-5 of Act 197, SLH 1971, will be used for this appropriation.
- 7. Palolo Stream, Oahu 1,000  
Land acquisition, plans, and construction for retaining wall to prevent erosion along Palolo Stream from Keanu Street to St. Louis Drive, including preparing environmental impact statement. Unexpended balances in Item IV-J-74 of Act 218, SLH 1974, will be needed for this appropriation.

**O-25 CITY AND COUNTY OF HONOLULU**

(To be expended by the Honolulu Board of Water Supply)

**Water Supply**

- 1. Water Main Projects, Oahu 110,000  
Plans and construction for replacement of existing water mains (9th and 10th Avenues) between Keanu and Maluhia Streets.

## ACT 195

### D-26 DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT

(To be expended by the Department of Planning and Economic Development)

1. Kaimuki-Kapahulu Metropolitan Area Project, Oahu 50,000  
Development of a comprehensive master plan for the Kaimuki-Kapahulu Metropolitan area which will provide a positive base for a viable urban community capable of qualitative living standards for its residents.

### F-26 DEPARTMENT OF EDUCATION

1. Hawaii School for the Deaf and the Blind, Oahu 230,000  
Plans and construction for a library and other improvements including purchase of playground equipment and repair, maintenance and painting of the facilities.
2. Hawaii School for the Deaf and the Blind, Oahu 10,000  
Construction of a lanai roof for the primary building.
3. Jefferson School, Oahu 1,500  
Plans and construction for paving of sidewalks for wheelchair students.
4. Kaimuki High School, Oahu 90,000  
Construction of bleachers and purchase and installation of lights and resurfacing of tennis courts.
5. Liholiho School, Oahu 100,000  
Plans and construction for improvements, including macadamization of courtyard, construction of a baseball diamond, termite control, repair of cafeteria screens, providing drainage for parking lot, removal of unused water pipes, and repair of a stonewall.
6. Liholiho School, Oahu 50,000  
Plans and construction for accordion partitions.
7. Liliuokalani School, Oahu 250,000  
Plans and construction for improvements, including sound-proofing and air-conditioning of classrooms, reducing the wind under breezeways, raising the fence, covering the walkway to the administration building and to the cafeteria, and closing Mahina Street for parking.
8. Waialae School, Oahu 20,000  
Plans and construction for converting small classrooms to large classrooms.
9. Waialae School, Oahu 110,000  
Plans and construction for improvements, including repainting of buildings and construction of security gates.
10. Waikiki School, Oahu 2,000  
Plans and construction for housing of an electrical transformer, and purchase and installation of a fly fan for the kitchen.
11. Waikiki School, Oahu 100,000  
Repainting, repairs, renovations, maintenance, etc. of the facilities.

### M-26 DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES

1. Waikiki-Kapahulu Language School, Oahu 250,000  
Grant-in-aid. Plans and construction for a multi-purpose community center to be situated primarily on the site occupied by the existing lavatory structure and to be used by residents of the tenth representative district, includes demolition of the lavatory structure, adjacent to the existing dwelling structure.

**N-26 CITY AND COUNTY OF HONOLULU**

(To be expended by the City and County of Honolulu)

**Department of Parks and Recreation**

- 1. Kapaolono Park, Oahu 90,000  
Plans and construction for improvements, including completing pool and complex, upgrading lighting and resurfacing of tennis courts, and construction of stairway to ballfields and courts from parking lot. (Funds to be matched by the City and County of Honolulu.)
- 2. Ala Wai Canal, Oahu 50,000  
Plans and construction for a silt basin catch at mouth of Palolo Stream where it empties into the Ala Wai Canal, including monitoring; and a management plan for purposes of flood control and recreational fishing.

**O-26 CITY AND COUNTY OF HONOLULU**

(To be expended by the Honolulu Board of Water Supply)

- 1. Kaimuki District Water System Improvement, Oahu 96,500  
Plans and construction for installation of water mains to provide adequate fire protection and to remedy poor valve pressure on Lincoln Avenue between Third and Sixth Avenues, and on Claudine Street between Noeau Street and Sixteenth Avenue.

**V. COUNTY OF KAUAI**

**B. DEPARTMENT OF LAND AND NATURAL RESOURCES**

(To be expended by Department of Land and Natural Resources)

- 1. Sleeping Giant State Park Lookout, Kauai 25,000  
Land acquisition for parking and lookout site adjacent to the All Saints Church.

**Water Development**

- 2. Kapaa Homesteads, Kauai 70,000  
Plans and construction of a 1.0 MG storage tank and adequate connecting main in Kapaa Homesteads.
- 3. Koloa-Poipu Water System, Kauai 200,000  
Land acquisitions, incremental development of water system including plans and construction of pipelines, storage facilities, source development and appurtenances.
- 4. Kalaheo-Lawai Water System, Kauai 50,000  
Incremental development of water system including plans and construction of source development, pipelines, storage facilities, and appurtenances. Exploratory deepwell, incremental source development (pump, controls and inter-connecting mains).
- 5. Lihue Water System, Kauai 50,000  
Incremental development of water system including plans and construction of source development, pipelines, booster pumps and storage facilities and appurtenances.
- 6. Lihue-Wailua interconnecting main, Kauai 40,000  
Phase I. Plans and construction of pipeline from Hanamaulu to Lydgate Park.

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## C. DEPARTMENT OF TRANSPORTATION

(To be expended by Department of Transportation)

1. Kapaa Beach Erosion Control, Kauai 60,000  
Plans and construction of suitable facilities to contain further erosion, using plans prepared by the Corps of Engineers.

## F. DEPARTMENT OF EDUCATION

1. Kapaa Elementary School, Kauai 25,000  
Plans and construction for a covered walkway from classrooms to cafeteria.
2. Kapaa High and Intermediate School, Kauai 25,000  
Plans and construction for physical education playcourts and athletic facilities. (To supplement prior appropriation)
3. Kauai High and Intermediate School, Kauai 75,000  
Supplemental funds for plans and construction of a 12-classroom building.
4. Kauai High and Intermediate School, Kauai 80,000  
Installation of air conditioning in administration building and principal's office.
5. Waimea High and Elementary School, Kauai 285,000  
Plans and construction for renovation to correct deficiency in new classroom building by installing operable walls and lower windows throughout.

## H. DEPARTMENT OF HEALTH

1. Samuel Mahelona Hospital, Kauai 12,000  
Replacement of air conditioner unit for central supply and treatment (surgery) areas.
2. Samuel Mahelona Hospital, Kauai 12,000  
Replacement of existing boiler burners in order to burn different and/or various types of oil.
3. Samuel Mahelona Hospital, Kauai 45,000  
Purchase and installation of new auxiliary power generator for 100% coverage and replacement of the main power and light panels.
4. Kauai Veterans Memorial Hospital, Kauai 800,000  
Plans and construction for additions to hospital, furnishings and equipment and other improvements. To supplement prior appropriations in Items H-34, H-35 and H-38 of Act 155/69, Item H-37 of Act 187/70, and Item IV-G-1 of Act 197/71, which are unencumbered and shall be used for this project.

## I. DEPARTMENT OF SOCIAL SERVICES AND HOUSING

(To be expended by Department of Social Services and Housing)

### Hawaii Housing Authority

1. Hawaii Housing, Kauai 1,000  
Repair, maintenance and purchase (to include fire safety equipment for low income housing at Hanamaulu, Eleele, Kalaheo, and Kapaa, Kauai). Unencumbered balances in Item I-17 of Act 187, SLH 1970, shall be used to supplement this project.

**N. COUNTY OF KAUAI**

(To be expended by the County of Kauai)

**Parks and Recreation**

- |  |         |
|--|---------|
| 1. New Kapaa Ball Park, Phase II, Kauai<br>Relocation of present Little League field and addition of new facilities to Phase I.  | 200,000 |
| 2. Salt Pond Park, Hanapepe, Kauai<br>Plans and construction for the expansion of existing park's picnic area and overnight camping facilities. To supplement prior State appropriation, 187/70, Q-12 (75,000). Prior county appropriation, (131,000).   | 56,000  |
| 3. Kalawai Park, Kalaheo, Kauai<br>Plans and construction for incremental development of all athletic fields and playgrounds facilities including fencing, sprinkler system, restrooms, parking and passive areas. To supplement prior State appropriations, 197/71, K-4 (200,000); 218/74 G-13 (121,000). Prior county appropriation (152,000). Prior BOR appropriation, (104,000). | 127,000 |
| 4. Wailua Homestead Park, Wailua, Kauai<br>Plans and construction for incremental development of athletic fields and playground facilities, including parking areas and passive areas, to supplement prior appropriations: State—218/74, G-7 (150,000) and County—(10,000).  | 50,000  |
| 5. Beautification, Islandwide, Kauai<br>Equipment acquisition and landscaping of roadside areas within County and State jurisdiction. To supplement prior State appropriation, 218/74, G-34 (50,000). Prior County appropriation, (50,000).  | 100,000 |
| 6. Weliweli State Subdivision Playground, Koloa, Kauai<br>Plans, construction, playground equipment and appurtenances.   | 175,000 |

**Roads**

- |   |         |
|---|---------|
| 7. Olohena Road, Kawaihau, Kauai<br>Paving of unpaved portion first and unexpended balance to be expended for plans, land acquisition and incremental realignment, widening and reconstruction of existing roadway on Federal Secondary Highway System.               | 250,000 |
| 8. Kokee Road Improvements and Bus Escape Ramp, Waimea, Kauai<br>Plans, land acquisition, construction and widening of roadway and escape ramps. To supplement prior State appropriations, 218/74, G-30, 31, 32, 33 (225,500). Prior County appropriation, (100,000). | 117,000 |

**Sewer Projects**

- |   |         |
|---|---------|
| 9. Hanapepe-EElele Sewerage System, Kauai<br>Land acquisition, plans and construction of sewage treatment facilities, effluent disposal facilities, sewage pump stations, force mains, interceptor and trunk sewers, and ancillary facilities. To supplement prior State appropriations, 155/69 (11,800); 197/71, K-7, (200,000); 176/72, K-11 (1,000); 218/74, G-22 (50,000). Prior County appropriation, (107,000). | 76,000  |
| 10. Lihue Sewerage System, Kauai<br>Land acquisition, plans and construction of sewage treatment facilities, effluent disposal facilities, sewage pump stations, force mains, interceptor and trunk sewers, and ancillary facilities for the Lihue sewer treatment area.  | 645,000 |

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11. Wailua Sewerage System, Kauai	370,000
Plans and construction of pump station, force mains, interceptor and trunk sewers and ancillary facilities for the Wailua Houselots area.	
12. Kapaa Sewerage System, Kauai	119,000
Land acquisition, plans and construction of sewage treatment facilities, effluent disposal facilities, ocean outfall, sewage pump stations, force mains, interceptor and trunk sewers, collector sewers and ancillary facilities. To supplement prior State appropriations, 40/68, P-7 (208,000); 187/70, B-62 (229,000); 176/72, K-12 (340,000); 218/74, G-23 (50,000). Prior County appropriations, (676,000).	
13. Waimea Sewerage System, Kauai	29,000
Land acquisition, plans and construction of interceptor and collector sewers for Waimea sewerage system.	
<b>Solid Waste Management Program</b>	
14. Solid Waste Collection and Disposal System for the Island of Kauai	300,000
Plans, construction and land acquisition for solid waste transfer stations and sanitary landfills, including equipment. To supplement prior State appropriations, 218/75, G-26, 27 (322,000). Prior County appropriation, (427,500).	
a. Halehaka Sanitary Landfill	
b. Hanapepe Refuse Transfer Station	
c. Kapaa Refuse Transfer Station	
d. Hanalei Sanitary Landfill	
e. Kekaha Sanitary Landfill	
f. Koloa Refuse Transfer Station	
g. Kauai County Central Sanitary Landfill	
<b>Drainage Projects</b>	
15. Kauai County Drainage Master Plan	100,000
Development of an Islandwide Master Plan for drainage in accordance with the CZO. To supplement prior State appropriation, 187/70, Q-14 (40,000).	
16. Wailua Houselots Drainage System, Wailua, Kauai	200,000
17. Mohikea Canal, Kapaa, Kauai	100,000
Plans and construction for retaining wall on east and west banks of Mohikea Canal, Kapaa from Kuhio Highway makai to beach.	
18. Hanapepe Town Drain, Hanapepe, Kauai	110,000
Plans, land acquisition and construction of drainage facilities for Hanapepe Town, to supplement prior State appropriation, 197/71, K-9 (200,000). Prior County appropriation, (160,000).	
19. Poipu Road Drain, Koloa, Kauai	150,000
Plans, land acquisition and construction of storm drainage facilities along Poipu Road.	
20. Kaumakani Civic and Senior Center, Kaumakani, Kauai	50,000
Plans and construction for a civic and senior center building, includes purchase of equipment and furniture. To supplement funds in Item IV-K-16 of Act 197, SLH 1971. Prior County appropriation, (80,000).	
21. Waimea-Kekaha Development Plan, Kauai	56,000
Plans and initial construction for urbanization of Waimea and Kekaha areas including water systems, road widening and construction, park and recreational facilities, etc.; all in accordance with the General Development Plan.	

**Special County Facilities**

- 22. Lihue Auto Maintenance Shop, Lihue, Kauai 250,000  
Plans, land acquisition and construction of an auto maintenance shop in Lihue; also purchase of equipment and furniture.

**B-1 DEPARTMENT OF LAND AND NATURAL RESOURCES**

(To be expended by the Department of Land and Natural Resources)

- 1. Game Introduction, Habitat and Development and Improvement, Kauai 10,000  
Plans and construction for noxious shrubs removal, water unit development, food plantings, roads, trails and signs, including release of birds and mammals.
- 2. Kauai 10,000  
Clearing of State land for diversified truck farming.

**C-1 DEPARTMENT OF TRANSPORTATION**

(To be expended by the Department of Transportation)

- 1. Kauai Belt Road—Safety Improvements, Kauai 40,000  
Between Eleele Road and Hanapepe Road. Revamp highway facilities to construct bikeway. Plans and construction to widen embankment, reconstruct sidewalk, revamp the pedestrian overpass support and shift road alignment.
- 2. Kukuiula Harbor, Kauai 25,000  
Study of a breakwater at Kukuiula Harbor; to determine the feasibility of such a breakwater and to determine any adverse effects on adjacent roads and properties.
- 3. Nawiliwili Small Boat Harbor, Kauai 10,000  
Plans and construction for parking area, restroom facilities and access road.

**F-1 DEPARTMENT OF EDUCATION**

- 1. Eleele School, Kauai 50,000  
Construction of administration/library building, parking area, and utility system, including purchasing of furniture and landscaping (to supplement prior appropriations). Unexpended balances in Item IV-E-3 of Act 197, SLH 1971, may be used for this appropriation.
- 2. Kapaa Elementary School, Kauai 25,000  
Plans and construction for a covered walkway from classrooms to cafeteria.
- 3. Kapaa High and Intermediate School, Kauai 425,000  
Plans and construction for physical education playcourts and athletic facilities. (To supplement prior appropriation)
- 4. Kekaha School, Kauai 150,000  
Supplement prior appropriation for construction of administration building.
- 5. Koloa School, Kauai 50,000  
Plan and construct special classroom with furniture and equipment.
- 6. Waimea Elementary School, Kauai 300,000  
Supplement construction funds from prior appropriations for third increment.
- 7. Waimea High and Intermediate School, Kauai 45,000  
Plans and construction for the widening, grading, and resurfacing of the service road between the cafeteria and the agriculture building.

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- 8. Waimea High and Elementary School, Kauai 285,000  
Plans and construction for renovation to correct deficiency in new classroom building by installing operable walls and lower windows throughout.

**H-1 DEPARTMENT OF HEALTH**

(To be expended by the Department of Health)

- 1. Wilcox Memorial Hospital, Kauai 250,000  
Plans and construction for ancillary services, including equipment and improvements. To supplement prior appropriations, Item IV-G-3 of Act 176, SLH 1972, and Item III-E-5 of Act 218, SLH 1974.

**I-1 DEPARTMENT OF SOCIAL SERVICES AND HOUSING**

(To be expended by the Department of Social Services and Housing)

- 1. Koloa Elderly Housing, Kauai 200,000  
Plans, construction, land acquisition and furnishing of housing for the elderly.

**N-1 COUNTY OF KAUAI**

(To be expended by the County of Kauai)

**Department of Public Works**

- 1. Educational Television Facilities, Kauai 25,000  
Design and construction for purchase and erection of educational television antenna and tower; supplemental funds.
- 2. Kalaheo Multi-Purpose Recreation Center, Kalaheo, Kauai 150,000  
Land acquisition, plans, construction and equipment for multi-purpose recreation and community center. To supplement prior appropriation.
- 3. Kaumakani Civic and Senior Center, Kaumakani, Kauai 100,000  
Plans and construction for a civic and senior center building, includes purchase of equipment and furniture. To supplement funds in Item IV-K-16 of Act 197, SLH 1971. Prior County appropriation, (80,000).
- 4. Mohikea Canal, Kapaa, Kauai 100,000  
Plans and construction for retaining wall on east and west banks of Mohikea Canal, Kapaa from Kuhio Highway makai to beach.

**SECTION 91A. Waialae-Kahala Major Drain.** No state or county Grant-in-Aids funds shall be used for construction, expansion, widening, or deepening of the Waialae-Kahala Major Drain, so long as such a project is contrary to the desires of a majority of residents living adjacent to the canal.

**SECTION 91B. East Kaimuki Improvement District.** No state or county funds shall be used for the proposed East Kaimuki Improvement District in the area bounded by the Lunalilo Freeway, 22nd Avenue, Diamond Head Road, 18th Avenue and 16th Avenue, so long as the project is contrary to the desires of a majority of residents living in such area; provided further that no single-family residential property owner shall be required to pay more than \$500 in assessments for such a project.

**SECTION 91C.** No state or county Grant-in-Aids funds shall be expended for the proposed Kaimuki Redevelopment Project bounded by 11th and 12th Avenues and Waialae and Harding Avenues, unless the unanimous written consent of the members of the senate and the house of representatives



within whose district such project lies have been obtained and in addition thereto the written consent of a majority of the members of the Kaimuki Business and Professional Association and the residents directly affected have been obtained.

**SECTION 91D. Spending Limit for East Honolulu Community College—Fort Ruger Site.** Student growth will be limited to 1,500 until a definitive master plan has been completed showing a projected growth over the next five years. Therefore, the amount of capital expenditures for future growth of East Honolulu Community College at Fort Ruger shall be limited until the expansion plan can be considered by all parties involved, including parking facilities planned concurrent with student expansion at Fort Ruger and the continued operation of Kapiolani Community College.

## PART VII. ISSUANCE OF BONDS

**SECTION 92. General Obligation Bonds.** General obligation bonds may be issued as provided by law to yield the amount that may be necessary to finance projects authorized in Part II and listed in Part IV of this Act and designated to be financed from general obligation bond fund and from the general obligation bond fund with debt service cost to be paid from special funds, provided that the sum total of the general obligation bonds so issued shall not exceed \$202,633,000.

**SECTION 93. Airport Revenue Bonds.** The Department of Transportation is authorized to issue airport revenue bonds for airport capital investment projects authorized in Part II and listed in Part IV of this act and designated to be financed by revenue bond funds, in such principal amount as shall be required to yield the amounts appropriated for such capital investments, plus, if so determined by the department and approved by the Governor, such additional amounts as may be necessary by the department to pay interest on such revenue bonds during the construction period and for six months thereafter, to establish, maintain or increase reserves for the airport revenue bonds to pay the expenses of issuance of such bonds. The aforementioned airport revenue bonds shall be issued pursuant to the provisions of Part III, Chapter 39, Hawaii Revised Statutes, as the same may be amended from time to time. The principal and interest of airport revenue bonds, to the extent not paid from the proceeds of such bonds, shall be payable solely from and secured solely by the revenue from airports and related facilities under the ownership of the State or operated and managed by the department and the aviation fuel taxes levied and paid pursuant to Sections 243-4(a)(2) and 248-8, Hawaii Revised Statutes, as amended, or such parts of either thereof as the department may determine, including rents, landing fees and other fees or charges presently or hereafter derived from or arising through the ownership, operation and management of airports and related facilities and the furnishing and supplying of the services thereof. The expenses of the issuance of such airport revenue bonds shall to the extent not paid from the proceeds of such bonds be paid from the airport revenue fund. The Governor, in his discretion, is authorized

to use the airport revenue fund to finance those projects in Part II where the method of financing is designated to be by airport revenue bond funds.

**SECTION 94. Housing Authority Revenue Bonds.** The Hawaii Housing Authority is authorized to issue housing authority revenue bonds pursuant to Section 103-7, Hawaii Revised Statutes, for housing capital investment projects authorized in Part II and listed in Part IV of this Act and designated to be financed by revenue bond funds. The expenses of the issuance of such housing authority revenue bonds and the principal and interest on such bonds sold shall not be a general obligation of the State of Hawaii.

**SECTION 95. University of Hawaii Revenue Bond.** The University of Hawaii is authorized to issue revenue bonds for the incremental development of University dormitory facilities, faculty housing facilities and parking facilities authorized in Part II and listed in Part IV of this act. The Governor, in his discretion, is authorized to use general obligation bond funds to finance the student dormitories, faculty housing and parking facilities authorized in Part II and listed in Part IV of this Act, in lieu of the full application thereto of University of Hawaii revenue bond funds, and the foregoing amount, or so much thereof as shall be sufficient to finance such undertakings, are hereby appropriated from general obligation bond funds, provided, the sum total of University of Hawaii revenue bond funds and general obligation bond funds for student dormitories, faculty housing and parking facilities authorized in said parts of this Act shall not exceed \$9,587,000. General obligation bonds may be issued as provided by law to yield the foregoing amount, which general obligation bonds shall be in addition to the general obligation bonds listed in this Act, provided the sum total of general obligation bonds so issued shall not exceed \$9,587,000. The principal and interest of general obligation bonds issued in lieu of University of Hawaii revenue bonds for said student dormitories, faculty housing, and parking facilities shall be reimbursed to the general fund from the net revenue derived from the rates, rentals, fees and charges imposed for the use and services of or commodities and facilities furnished by the undertaking or, if the respective undertaking shall be operated and maintained, or combined with, another or other of said undertakings, or with another or other university undertakings, as a system or systems, from the net revenue derived from the respective system or systems.

### PART VIII. SPECIAL PROVISIONS

**SECTION 96.** Sand Island income from lands and facilities dedicated to the University of Hawaii shall be expended for the operating expenses of the University. Such income, excluding amounts required to reimburse the general fund for capital improvements, shall be deposited into the general fund of the State and shall be considered to be a reimbursement to the general fund for moneys appropriated for the operation of the University of Hawaii under Part II of this Act. Sand Island income from other lands and facilities, other than those set aside for Harbors or Foreign Trade Zone purposes, shall be deposited into the general fund.

SECTION 97. There is hereby appropriated out of the public trust fund created by Section 5(f) of the Admission Act (Public Law 86-3, 86th Congress), the total amount of the proceeds from the sale or other disposition of any lands, and the income therefrom granted to the State by Section 5(b) or later conveyed to the State by Section 5(3), with the exception of such proceeds covered under Section 171-19, Hawaii Revised Statutes, as amended, to be disposed of by the Board of Land and Natural Resources, in order to reimburse the general fund for the appropriation made in Part II of this Act to the Department of Education for the support of public schools, to the extent such proceeds are realized for the period beginning July 1, 1975 to June 30, 1977. The above proceeds shall be exclusive of the amount disposed of under the provisions of the Hawaiian Homes Commission Act of 1920, as amended.

SECTION 98. Whenever the expending agency to which an appropriation is made is changed due to legislation enacted during any session of the legislature which affects the appropriations made by this Act, the Governor, or the Director of Finance, if so delegated by the Governor, with the concurrence of the President of the Senate and the Speaker of the House of Representatives, shall transfer the necessary funds and positions to the proper expending agency.

SECTION 99. In allotting funds for social welfare programs and other programs and agencies having appropriations which are based on population and workload data as specified in this Act, only so much as is necessary to provide the level of services intended by the legislature shall be allotted by the Department of Budget and Finance. For this purpose, the programs and agencies concerned shall reduce expenditures below appropriations as prescribed by the Department of Budget and Finance in the event actual population and workload trend is less than the specified figure. In the event that the trend is higher than the specified figure, or the reasonable average daily cost of the medical care for the needy and medically needy exceeds the anticipated average sum per patient day upon which the appropriation therefor was based, the program is authorized to submit a deficiency appropriation request to the extent and on such basis as may be prescribed by the Director of Finance. In the event that the reasonable average daily cost of medical care for the needy and medically needy exceeds the anticipated average sum per patient day, or the caseload trend for money or medical assistance payments is higher than the specified figure, the Governor is authorized to utilize such savings as may be available from appropriated funds of any program for the purpose of meeting the deficit in the social welfare program of the Department of Social Services and Housing.

SECTION 100. With the approval of the Director of Finance, the Department of Health may transfer funds appropriated to the Department of Health for the care and treatment of patients to the Department of Social Services and Housing whenever the Department of Social Services and Housing can utilize such funds to match federal funds which may be available to help finance the cost of outpatient, hospital, or skilled nursing home care of indigents or medical indigents.

The Department of Social Services and Housing is authorized to enter into agreements with the Department of Health to furnish outpatient, hospital and/or skilled nursing home care and to pay the Department of Health for such care. With the approval of the Director of Finance, the Department of Health may deposit part of such receipts into the appropriations from which transfers were made.

SECTION 101. Funds appropriated in Part II of this Act may be used by expending agencies for the purpose of funding reclassifications resulting from the review of clerical positions made by the Department of Personnel Services; provided that funding of reclassifications shall be limited to service performed after June 30, 1975.

SECTION 102. Unless otherwise provided in this Act, the Governor is authorized to transfer funds between appropriations within a department for research and development and operating purposes; provided that such transfer shall be with the concurrence of the President of the Senate and the Speaker of the House of Representatives; and provided that such transfer shall not be made to implement any collective bargaining contracts signed after this Legislature adjourns sine die.

SECTION 103. Where a program is financed by the general fund as well as by a source of funding other than the general fund, the general fund appropriation shall be decreased to the extent that the amount received from the non-general fund source exceeds the amount approved in this Act from such source; provided that such decrease of the general fund appropriation shall not jeopardize the receipt of the increased amount from the non-general fund source; provided, further, that the preceding requirements shall not apply if the excess receipts are to be expended for a purpose or purposes of the program approved by the Governor or the Director of Finance if such authority is so delegated by the Governor.

SECTION 104. For the biennium 1975-77, where a program is authorized under Part II of this Act to expend from a revolving fund, agencies responsible for such revolving funds are authorized to expend so much as may be necessary to carry out the purpose of each such fund; provided that such expenditures are approved by the Governor or by the Director of Finance if so delegated by the Governor; and provided, further, that such expenditure shall not exceed the amounts available in such funds.

SECTION 105. The Governor is hereby authorized to establish 40 permanent positions during each fiscal year of the 1975-77 biennium to be allocated by him to any of the program areas included in this Act as he shall deem proper. No positions shall be established under this section to implement any collective bargaining agreement signed after this legislature adjourns sine die.

SECTION 106. Any provision of law to the contrary notwithstanding the Governor is authorized to utilize an appropriate portion of such sums included in the respective program appropriation in Part II of this Act for personal services, for salary increases for public officers and employees ex-

cluded from collective bargaining under Chapter 89, Hawaii Revised Statutes; provided that said increases shall not exceed and shall not take effect earlier than increases for comparable members of collective bargaining units.

SECTION 107. Where the Governor or any agency or any government unit is able to secure federal funds or other property made available under any Act of Congress, or any funds or other property from private organizations or individual, to be expended in connection with any program or works authorized by this Act, or otherwise, the Governor or agency with the Governor's approval shall have the power to enter into such undertaking with the proper offices or agencies of the federal government or private organization or individuals. While most federal-aid allocations are known and local matching funds are provided in this Act, there may be programs for which federal-local cost sharing is not yet determined. In such cases, the availability of federal funds shall be construed as a reduction of State costs whenever possible.

SECTION 108. All subsidies made to non-public organizations in this Act shall, as a condition of receiving such money, (1) comply with the allotment system as provided in Chapter 37, Hawaii Revised Statutes, (2) allow the expending or other related agency full access to their records, files, reports, and other related areas in order to assist and improve their management and fiscal practices, and (3) submit all future budget requests on a form prescribed by the Director of Finance.

SECTION 109. In the event the State should assume the direct operation of any nongovernmental agency receiving State funds under the provisions of this Act, all such funds shall constitute a credit to the State against the costs of acquiring all or any portion of the property, real, personal, or mixed, of such non-governmental agency. This credit shall be applicable regardless of when such acquisition takes place.

SECTION 110. Any law or any provision of this Act to the contrary notwithstanding, the appropriations made for capital investment projects authorized in this Act shall not lapse at the end of the fiscal year for which the appropriation is made, provided that all appropriations made to be expended in fiscal year 1975-76 which are unencumbered as of June 30, 1979 and all appropriations made to be expended in fiscal year 1976-77 which are unencumbered as of June 30, 1980 shall lapse as of that date, and provided, further, that the lapsing date shall not apply to projects necessary to qualify for federal aid financing and reimbursement.

SECTION 111. The designated expending agency for capital investments authorized in this Act is authorized to delegate to other state or county agencies the planning and construction of such projects when it is determined by such agency that it is more advantageous to do so.

SECTION 112. All general obligation bond funds used for highway, harbor, boating, airport or land development, capital investment purposes, designated by the letter (D), shall have the bond principal and interest reimbursed from the State highway fund, the harbor special fund, the boating special fund, the airport revenue fund, or the special land and development

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fund, respectively. Bonds issued for irrigation projects shall be reimbursed, as provided by Section 174-21, Hawaii Revised Statutes.

The Governor, at his discretion, is authorized to use the State highway fund, the harbor special fund, the boating special fund, the airport revenue fund or the special land and development fund to finance the respective highway, harbor, boating, airport or land development projects authorized in this Act and where the method of financing is designated to be general obligation bond fund with debt service cost to be paid from special funds.

SECTION 113. Where it is deemed in the best interest of the State, the Governor, with the concurrence of the President of the Senate and the Speaker of the House of Representatives, is authorized to use State general revenues to finance capital improvement projects authorized in this Act, where the method of financing is designated to be the general obligation bond fund.

SECTION 114. The negotiation for the purchase of land by State agencies shall be subject to the approval of the Governor. Private lands may be acquired for the purpose of exchange for federal lands when the Governor determines that such acquisition and exchange are necessary for the completion of any herein authorized projects.

SECTION 115. Act 218, S.L.H. 1974, Item 3-G-129, is amended to read as follows:

	FY 1973-74	FY 1974-75	Total Biennium 1973-75
129. East-West Center Facility			
East-West Facility, Manoa			
Grant-in-Aid to the public corporation established to administer and operate the East-West Center.			
For plans, construction, equipment and furnishing, and landscaping of an administration program building for the University of Hawaii, which may be made available in perpetuity for East-West Center purposes.			
Unencumbered balances in Item 4-C-106a, Act 202, S.L.H. 1972, may be used for project.			
Construction		8,100C	8,100C
Total Funding		8,100C	8,100C

SECTION 116. All unrequired balances after the objectives of appropriations made in this Act for capital investment purposes from the general obligation bond fund have been met, shall be transferred to the project adjustment fund appropriated in Part II of this Act, and shall be considered a supplementary appropriation thereto.

In the event that the amount specified for a capital investment project listed in this Act is insufficient and where the source of funding for the project is designated as the general obligation bond fund, the Governor may make supplemental allotments from the project adjustment fund appropriated in Part II; provided that such supplemental allotments from the project adjust-

ment fund shall not be used to increase the scope of the project; and provided, further, that a report of such supplemental allotments and transfers into the project adjustment fund for the period ending December 31, 1975, shall be made to the legislature by February 1, 1976, and a similar report for the period beginning January 1, 1976 and ending December 31, 1976 shall be made to the legislature by February 1, 1977.

SECTION 117. In the event that the amount specified for a capital investment project listed in this Act is insufficient and where the source of funding is designated as special funds, general obligation bond fund with debt service cost to be paid from special funds, or revenue bond fund, the governor may make supplemental allotments from the special fund responsible for cash or debt service payments for the project or transfer unrequired balances from other projects in this or prior appropriation acts which authorized the use of special funds, general obligation bond fund with debt service costs to be paid from special funds, or revenue bond fund; provided that such supplemental allotments shall not be used to increase the scope of the project; provided further that such supplemental allotments shall not impair the ability of the fund to meet the purposes for which it was established; and provided further that a report of such supplemental allotments and transfers for the period ending December 31, 1975 shall be made to the legislature by February 1, 1976, and a similar report for the period beginning January 1, 1976 and ending December 31, 1976 shall be made to the legislature by February 1, 1977.

SECTION 118. The Governor may authorize the expenditure of funds for capital investment projects not previously authorized in this Act to cope with unemployment, unforeseen emergencies arising from elements such as fires and natural disasters and for any federal aid portion of any capital investment project described this Act where application for such aid has been made and approval has been denied; provided that the unemployment, or such emergencies or denial of federal aid create an urgent need to pursue a course of action which is in the best interest of the State; and provided, further, that the Governor shall use the project adjustment fund authorized in Part II and described in Part IV to accomplish the purposes of this section.

SECTION 119. Where it has been determined that changed conditions, such as reduction in the particular population being served, permit the reduction in the scope of a capital investment project described in this Act, the Governor may authorize such reduction of project scope, provided that the scope of a project shall not be reduced merely because the appropriation for a project is insufficient.

SECTION 120. In releasing funds for projects, the Governor shall consider the legislative intent and the objectives of the user agency, its programs, the scope and level of the user agency's intended service; and the means, efficiency, and economics by which the project will meet the objectives of the user agency and the State. Agencies responsible for construction shall take into consideration the objectives of the user agency, its programs, the scope and level of the user agency's intended service and construct the improvement

to meet the objectives of the user agency in the most efficient and economical manner possible.

SECTION 121. Where a program is financed by the general fund as well as federal funds, general funds are hereby appropriated to make up the difference between the amount of federal funds received and the amount of federal funds authorized in this Act upon approval of the Governor or the director of finance if such authority is so delegated; provided that programs including positions affected by the aforementioned condition shall not be authorized to extend beyond June 30, 1977 unless expressly approved by the legislature; provided further that the governor shall report to the next regular session of the legislature the details of the programs, positions, and appropriations through this section, with the concurrence of the President of the Senate and the Speaker of the House.

### PART IX. MISCELLANEOUS AND EFFECTIVE DATE

SECTION 122. **Miscellaneous.** If any portion of this Act or its application to any person or circumstances is held to be invalid for any reason, then the legislature hereby declares that the remainder of the Act and each and every other provision thereof shall not be affected thereby. If any portion of a specific appropriation is held to be invalid for any reason, the remaining portion shall be independent of the invalid portion and such remaining portion shall be expended to fulfill the objective of such appropriation to the extent possible.

SECTION 123. In the event manifest clerical, typographical or other mechanical errors are found in this act, the Governor is hereby authorized to correct such errors. All changes made pursuant to this section shall be reported to the legislature at its next session.

SECTION 124. **Effective Date.** This Act shall take effect on July 1, 1975; except that Section 93 shall take effect upon its approval.

APPROVED June 2, 1975, subject to the disapproval of the following items as indicated in the body of the bill: 1. the appropriation for the establishment of the Governor's Agricultural Coordinating Committee; 2. the appropriation for the establishment of the office of tourism; 3. the appropriation for the acquisition of the Hilo Day Activity Center for the Adult Retarded; 4. the appropriation for the Executive Office on Aging within the office of the Governor; and 5. the appropriation for the establishment of a full-time Public Utilities Commission composed of three members.

A Bill for an Act Relating to Dental Fee Schedules Under Public Assistance Programs.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Under Chapter 7, Subchapter XIX, Title 42, Social Security Act (medicaid program), our citizens who rely upon public assistance are entitled to the same dental care as their more fortunate counterparts. The cur-



rent payments for dental fees by the department of social services and housing under the medicaid program is grossly inadequate which makes the rendering of private dental services to the poor a discouraging situation. The present fee schedule as set by the department of social services and housing in 1967 is based upon fees established by the Hawaii Dental Association in 1962. While the cost of dental care has risen dramatically in the last thirteen years, the payments for such services under public assistance programs have not equitably reflected the increase. The result is that the treatment of medicaid patients is becoming an unrealistic proposition. Therefore, the purpose of this Act is to establish a system of reasonable and equitable guidelines for the department of social services and housing to follow in setting dental fee schedules for its payments under medicaid in order to enable dentists to prudently offset the rising costs in the delivery of adequate dental care services.

SECTION 2. Chapter 346, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**"Sec. 346- Dental care; reimbursement of dental services.** The director of social services shall establish rules under chapter 91 concerning payment for dental care services under this chapter. The department shall pay usual and customary fees up to the maximum which federal rules permit the department to pay.

SECTION 3. New statutory material is underscored. In printing this Act, the revisor of statutes need not include the underscoring.\*

SECTION 4. This Act shall take effect upon its approval.

(Approved June 2, 1975.)

## ACT 197

S.B. NO. 1281

A Bill for an Act Making Appropriations to the Judiciary for the Fiscal Biennium July 1, 1975 to June 30, 1977 and Authorizing the Issuance of Bonds.

*Be It Enacted by the Legislature of the State of Hawaii:*

### PART I. GENERAL PROVISIONS

SECTION 1. **Short Title.** This Act shall be known as the Judiciary Appropriations Act of 1975.

SECTION 2. **Definitions.** Unless otherwise clear from the context, as used in this Act:

- (a) "Program ID" means the unique identifier for the specific program.
- (b) "Source of funding" means the source from which funds are appropriated, or authorized, as the case may be, to be expended for the programs and projects specified in this Act. All appropriations are followed by letter symbols enclosed in parentheses. Such letter symbols, where used, shall have the following meanings:

\*Edited accordingly.

- A General fund
- B Special fund
- C General obligation bond fund.

(c) "Position ceiling" means the maximum number of permanent positions authorized for a particular program during a specified period or periods, as denoted by an asterisk.

**PART II. PROGRAM APPROPRIATIONS**

**SECTION 3. Appropriations.** The following sums, or so much thereof as may be sufficient to accomplish the purposes and programs designated herein, are appropriated or authorized from the sources or funding specified to the judiciary for the fiscal biennium beginning July 1, 1975 and ending June 30, 1977. The total expenditures and the number of positions in each fiscal year of the biennium shall not exceed the sums and the position ceilings indicated for each year, except as provided in this Act.

Item No.	Program	FY 1975-76	FY 1976-77	Total biennium 1975-77
1	The Judicial System Court Operations Supreme Court Operating	22.00* 472,664A	22.00* 475,812A	948,476A
	2	Land Court/Tax Court Operating	3.00* 56,016A	
3	Circuit Courts Operating	182.00* 3,420,380A	182.00* 3,475,549A	6,895,929A
		4	Family Courts Operating	
5	District Courts Operating	251.00* 3,368,600A	259.00* 3,443,988A	6,812,588A
		Investment: Capital		
Support Services				
6	Administrative Director Services Operating	20.00* 660,944A	20.00* 701,676A	1,362,620A
		Investment: Capital		
7	Law Library Operating	6.00* 209,660A	6.00* 204,102A	413,762A
8	Driver Education and Training Operating	31.00* 386,484B	42.00* 474,777B	861,261B

SECTION 4. Whenever the expending program of the judiciary to which an appropriation is made is changed due to legislation enacted during any session of the legislature which affects the appropriations made by this Act, the chief justice shall transfer the necessary funds and positions to the proper expending program.

SECTION 5. Unless otherwise provided in this Act, the chief justice is authorized to transfer not to exceed funds from 20 per cent appropriations for research and development and operating purposes; provided that such transfer shall not be made to implement any collective bargaining contracts signed after this legislature adjourns sine die.

SECTION 6. Where the chief justice or any agency or any government unit is able to secure federal funds or other property made available under any Act of Congress, or any funds or other property from private organizations or individual, to be expended in connection with any program or works authorized by this Act, or otherwise, the chief justice or agency with the chief justice's approval shall have the power to enter into such undertaking the proper offices or agencies of the federal government or private organization or individuals. While most federal-aid allocations are known and local matching funds are provided in this Act, there may be programs for which federal-local cost sharing is not yet determined. In such cases, the availability of federal funds shall be construed as a proportionate reduction of state costs whenever possible.

SECTION 7. With reference to item No. 6, section 3, Part II of this Act, the judiciary shall coordinate the planning and implementation of a program designed to provide legal counselling to prisoners, the program to be developed in conjunction with the Legal Aid and Public Defender offices and with the Hawaii Bar Association.

**PART III. CAPITAL IMPROVEMENT PROJECTS**

SECTION 8. **Capital improvement projects authorized.** The sums of money appropriated or authorized in Part II of this Act for capital investment shall be expended for the projects listed below. Two or more related or similar projects may be combined into a single project, if such combination is advantageous or convenient, for land acquisition, design, and construction purposes; provided that the total cost of the projects thus combined shall not exceed the total of the sum specified for the projects separately. (The amount after each cost element and the total funding for each project listed in this part are in thousands of dollars.)

Item No.	Program and Capital Project	Program ID	FY 1975-76	FY 1976-77	Total biennium 1975-77
	Judicial System				
	Support Services				
	Administrative Director Services	JUD 201			
1	State Capitol Complex, Oahu Renovation of the Kekuanao'a building,				

## ACT 197

the Kapuaiwa building, and Aliiolani Hale to provide additional office space for use by the judiciary.

	Design	54		54
	Total funding	54C	C	54C
2	Advance Planning, Judiciary, Statewide Advance Planning to establish the statewide physical facility needs of the judiciary, and the preparation of staff studies relating to physical facilities.			
	Design	10		10
	Total funding	10C	C	10C
3	Wailuku Judiciary Complex, Maui Land acquisition and design for the Wailuku judiciary complex which will consist of facilities for the Wailuku district court and the second circuit court.			
	Land acquisition			
	Design	167		167
	Total funding	167C	C	167C
	Court Operations			
	District Courts	JUD 121		
4	Honolulu District Court Land acquisition and design, to provide for a new facility for Honolulu District Court and related judiciary services.			
	Land acquisition	1,020		1,020
	Design	68		68
	Total funding	1,088C	C	1,088C

### PART IV. ISSUANCE OF BONDS

**SECTION 9. General obligation bonds.** General obligation bonds may be issued as provided by law to yield the amount that may be necessary to finance projects authorized in Part II and listed in Part III of this Act and designated to be financed from the general obligation bond fund, provided that the sum total of the general obligation bonds so issued shall not exceed \$1,319,000.

### PART V. SPECIAL PROVISIONS

**SECTION 10.** Any law or any provision of this Act to the contrary notwithstanding, the appropriations made for capital investment projects authorized in Part II and listed in Part III of this Act shall not lapse at the end of the fiscal year for which the appropriation is made; provided that all appropriations made to be expended in fiscal year 1975-76 which are unencumbered as of June 30, 1979 shall lapse as of that date and all appropriations made to be expended in fiscal year 1976-77 which are unencumbered as of June 30, 1980 shall lapse as of that date.

**SECTION 11.** The judiciary is authorized to delegate to any state or county agencies the planning and construction of any capital improvement

project when it is determined by the judiciary that it is advantageous to do so.

SECTION 12. All unrequired balances after the objectives of appropriations made in Part II for capital investment purposes from the general obligation fund and listed as projects in Part III have been met, shall be transferred to a judiciary project adjustment fund.

SECTION 13. In the event that the amount specified for a capital investment project listed in Part III is insufficient and where the source of funding for the project is designated as the general obligation bond fund, the chief justice may make supplemental allotments from the project adjustment fund; provided that such supplemental allotments shall not be used to increase the scope of the project; provided further that a report of such supplemental allotments and transfers into the project adjustment fund as provided by section 12 for the period ending December 31, 1975, shall be made to the legislature by February 1, 1976, and a similar report for the period beginning January 1, 1976 and ending December 31, 1976 shall be made to the legislature by February 1, 1977.

SECTION 14. Where it has been determined that changed conditions, such as reduction in the particular population being served, permit the reduction in the scope of a project listed in Part III, the chief justice may authorize such reduction of project scope; provided that the scope of a project shall not be reduced merely because the appropriation for the project is insufficient.

SECTION 15. The chief justice shall determine when and the manner in which the authorized projects shall be initiated. He shall notify the governor from time to time of the specific amounts required for the projects, and the governor shall provide for such amounts through the issuance of bonds authorized in Part IV.

## PART VI. MISCELLANEOUS PROVISIONS AND EFFECTIVE DATE

SECTION 16. **Severability.** If any portion of this Act or its application to any person or circumstances is held to be invalid for any reason, then the legislature hereby declares that the remainder of the Act and each and every other provision thereof shall not be affected thereby. If any portion of a specific appropriation is held to be invalid for any reason, the remaining portion shall be independent of the invalid portion and such remaining portion shall be expended to fulfill the objective of such appropriation to the extent possible.

SECTION 17. **Manifest errors.** In the event manifest clerical, typographical, or other mechanical errors are found in this Act, the chief justice is authorized to correct such errors. All changes made pursuant to this section shall be reported to the legislature at its next session.

SECTION 18. **Effective date.** This Act shall take effect on July 1, 1975.

(Approved June 2, 1975.)

A Bill for an Act Relating to Coordination of Services for the Developmentally Disabled.

*Be It Enacted by the Legislature of the State of Hawaii:*

**SECTION 1. Findings and purpose.** The legislature finds that:

- (1) The State of Hawaii has a responsibility to provide services for its developmentally disabled citizens in order to aid them in living as complete and normal lives as possible.
- (2) Several departments of the State are responsible for various services to the developmentally disabled, namely the department of health provides health services, the department of education provides educational services, and the department of social services and housing provides vocational rehabilitation and other social services.
- (3) Lack of coordination among the services and planning activities of the various departments of the State results in gaps in the spectrum of needed services, duplication of services, lack of clarity and responsibility for services, and poorly articulated inter-agency programs, thereby reducing the quality of programs for the developmentally disabled.
- (4) Because of specific mandates of the departments, it is essential that a body responsible for coordinating services and planning for the developmentally disabled be established outside the departments responsible for services.
- (5) There exists within the state department of health, a state planning and advisory council on developmental disabilities appointed by the governor and mandated by federal legislation, supported in large part by federal moneys and required by federal law to provide coordination and planning in the field of developmental disabilities.
- (6) The purpose of this Act is to establish the state planning and advisory council on developmental disabilities as the state agency responsible for coordinating services to the developmentally disabled residents of Hawaii.

**SECTION 2. Developmental disabilities, definition.** For the purposes of this Act, "developmental disabilities" includes a disability attributable to mental retardation, cerebral palsy, epilepsy, or other neurological handicapping condition of an individual found to be closely related to mental retardation or to require treatment similar to that required by mentally retarded individuals, which disability originates before the individual attains the age of majority and has continued, or can be expected to continue indefinitely, and constitutes a substantial handicap of such individual.

**SECTION 3. State planning and advisory council on developmental disabilities.** The state planning and advisory council on developmental disabilities (hereinafter referred to as the state council or the council) shall be relocated to the office of the governor and assigned the following responsibilities:

## (1) Planning. The state council shall:

- (A) Develop, prepare, adopt, and periodically review and revise, as necessary, the state plan for developmentally disabled (hereinafter called the state plan) in conformance with federal substantive and procedural requirements therefor. The state council shall transmit the state plan to the governor for approval, and upon approval shall be submitted to the federal government for appropriate approval. The state plan and revisions thereto shall be effective upon the governor's approval thereof. The state plan shall include establishment of goals and priorities of the State in meeting the needs of the developmentally disabled, including the establishment of priorities for the distribution of public funds for comprehensive services to the developmentally disabled within the State and other matters deemed necessary to achieve normalization of lives of the developmentally disabled. The state plan shall in addition provide for coordinated delivery and establishment of comprehensive services, facilities, and programs for the developmentally disabled.
- (B) Review, approve, and monitor implementation plans prepared and carried out by the various departments of the State in carrying out the state plan for the developmentally disabled.
- (C) Review, approve, and monitor any other state plans which affect services to the developmentally disabled.

## (2) Coordination of departments and private agencies. The council shall:

- (A) Assure nonduplication of services.
- (B) Encourage efficient and coordinated use of federal, state and private resources in the provision of services.
- (C) Designate areas of responsibility for services to both public and private agencies serving developmentally disabled clients, reviewing such designations as necessary.
- (D) Insure that implementation planning by the various departments is effectively coordinated and that interdepartmental programs receive the full support of all departments involved.

## (3) Evaluation. The council shall:

- (A) Approve implementation plans for the developmentally disabled, and monitor and evaluate their implementation.
- (B) Monitor all ongoing projects relating to developmental disabilities of the various public and private agencies.
- (C) Monitor decentralization of Waimano training school and hospital by insuring that each resident transferred from Waimano has an individualized program at least equal to that which he or she might be expected to receive at Waimano.

## (4) Advocacy. The council shall:

- (A) Advocate for the needs of the developmentally disabled before the legislature and the public and to the governor.
- (B) Act in an advisory capacity to the governor and legislature on all issues affecting the developmentally disabled.

- (C) Serve as a channel for complaints by consumers of services for the developmentally disabled, following up on such complaints and taking such action as may be warranted.
- (5) Report. The council shall:
  - (A) Prepare and submit annual reports to the governor and the legislature on the implementation of the state plan.
  - (B) Prepare and submit to the United States Secretary of Health, Education and Welfare, through the governor, any periodic reports the Secretary may reasonably request.
  - (C) Prepare other reports necessary to accomplish its duties under this Act.
- (6) Rules. The council shall adopt, amend, and repeal rules under chapter 91, Hawaii Revised Statutes, necessary for the implementation of this Act.

**SECTION 4. Membership on the state council.** The state council shall consist of twenty-five voting members, appointed by the governor for staggered terms in the manner prescribed by section 26-34, Hawaii Revised Statutes. At least one-third of the members shall be consumers of services for the developmentally disabled or parents or guardians of consumers. The remaining members shall be divided approximately equally between representatives of nongovernmental organizations, or groups concerned with services for persons with developmental disabilities and representatives of state agencies providing such services. This latter group shall include the directors of health, education, and social services.

The members of the state council shall serve without compensation, but shall be reimbursed for any actual and necessary expenses incurred in connection with the performance of their duties under this division.

**SECTION 5. Officers, committees, staff.** The state council shall, by majority vote of the voting members, elect its own chairman from among the appointed members, and shall establish such committees as it deems necessary or desirable. The state council may appoint an executive secretary subject to chapters 76 and 77 who may appoint persons to such staff positions subject to chapters 76 and 77 as the council may authorize within available funds. The affirmative votes of a majority of the members of the council shall be necessary for the appointment or removal of the executive secretary.

**SECTION 6.** The functions and authority heretofore exercised by the state planning and advisory council on developmental disabilities pursuant to federal mandate of Public Law 93-517, appointed by the governor, are transferred with the state planning and advisory council on developmental disabilities in accordance with this Act. The new council shall have all of the rights and powers exercised, and all of the duties and obligations incurred by the state planning and advisory council on developmental disabilities pursuant to Public Law 93-517, and laws successor to or amendatory thereof, relating to developmental disabilities, whether the powers, duties, functions, and obligations are mentioned in or granted by any law, contract, or other document.



SECTION 7. All officers and employees whose functions are transferred by this Act shall continue to perform their duties under existing law until the transfer required by this Act is completed, and the officers and employees shall be transferred with their functions and shall continue to perform their regular duties upon their transfer, subject to this Act. No employee having tenure shall suffer any loss of salary, seniority, prior service credit, vacation, sick leave, or other employee benefit or privilege as a consequence of this Act; provided that subsequent changes in status may be made pursuant to applicable personnel laws.

An employee who does not have tenure and who may be transferred or appointed to a civil service or other position as a consequence of this Act shall be transferred or appointed without the loss of salary, seniority, prior service credit, vacation, sick leave, or other employee benefits or privileges and without the necessity of examination; provided that the employee or officer possesses the minimum qualifications for the position to which he is transferred or appointed.

In the event that an office or position held by any officer or employee having tenure is abolished, such officer or employee shall not thereby be separated from public employment, but shall remain in the employment of the State with the same pay and classification and shall be transferred to some other office or position for which such officer or employee is eligible under the personnel laws of the State as determined by the director of health in consultation with the governor.

SECTION 8. Upon the transfer of the state planning and advisory council on developmental disabilities as required by this Act, all records, equipment, files, supplies, contracts, books, papers, documents, maps, appropriations, and other real or other property theretofore made, used, acquired, or held by the state planning and advisory council on developmental disabilities in the exercise of the functions transferred shall be concurrently transferred.

SECTION 9. Any other law to the contrary notwithstanding, all moneys appropriated and unexpended before the effective date of this Act for the use of the state planning and advisory council on developmental disabilities and any programs thereunder, shall be transferred with the council.

SECTION 10. This Act shall take effect upon its approval.

(Approved June 2, 1975.)

ACT 199

H.B. NO. 688

A Bill for an Act Relating to the Employees' Retirement System.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Amend section 88-73(1), Hawaii Revised Statutes, as amended, to read:

"(1) Any member who has at least five years of credited service and

who has attained age fifty-five or any member who has at least twenty-five years of credited service or any member who has at least ten years of credited service, including service as a judge, an elective officer or the chief clerk and the sergeant at arms of both houses of the legislature, may retire upon his written application to the board specifying on what date, not less than thirty days nor more than ninety days subsequent to the execution and filing thereof, he desires to be retired."

SECTION 2. Amend section 88-74(3), Hawaii Revised Statutes, as amended, to read:

"(3) If the member has credited service as a judge, an elective officer or the chief clerk and the sergeant at arms of both houses of the legislature, his retirement allowance shall be computed on the following basis:

- (A) Irrespective of age, for each year of credited service as a judge, an elective officer, or the chief clerk and the sergeant at arms of both houses of the legislature, three and one-half per cent of his average final compensation in addition to an annuity which is the actuarial equivalent of his accumulated contributions allocable to the period of such service; and
- (B) For all other credited service as provided in subsections (1) and (2) hereof. No allowance shall exceed seventy-five per cent of the average final compensation. If the allowance exceeds this limit, it shall be adjusted by reducing the annuity included in (A) of this subsection and the portion of the accumulated contributions specified in the same subsection as may be in excess of the requirements of the reduced annuity shall be returned to the member."

SECTION 3. Amend Section 88-76, Hawaii Revised Statutes, as amended, to read:

"**Sec. 88-76 Allowance on ordinary disability retirement.** Upon retirement for ordinary disability, a member shall receive a service retirement allowance if he has attained the age of fifty-five years, otherwise, he shall receive a retirement allowance of twenty-five per cent of his average final compensation plus one per cent of his average final compensation for each full year of credited service over fifteen except that for each year of credited service as a judge, an elective officer or the chief clerk and the sergeant at arms of both houses of the legislature, he shall receive a retirement allowance computed as provided in section 88-74(3)."

SECTION 4. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 5. This Act shall take effect upon its approval.

(Approved June 2, 1975.)

\*Edited accordingly.

## PROPOSED CONSTITUTIONAL AMENDMENT

### PROPOSED CONSTITUTIONAL AMENDMENT H.B. 54

A Bill for an Act Proposing an Amendment to Article VIII, Section 4, of the Constitution of the State of Hawaii to Allow the State to Engage in the Provision of Housing, in Slum Clearance, and in the Rehabilitation of Housing.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The purpose of this Act is to propose an amendment to Section 4, Article VIII of the Constitution of the State of Hawaii to expressly authorize the State of Hawaii to provide needed housing for its citizens.

SECTION 2. Section 4, Article VIII of the Constitution of the State of Hawaii is amended to read:

“Section 4. The State shall have power to provide for, or assist in housing, slum clearance and the development or rehabilitation of substandard areas, and the exercise of such power is deemed to be for a public use and purpose.”

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 4. This Amendment shall take effect upon compliance with Article XV, Section 3, of the Constitution of the State of Hawaii.

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\*Edited accordingly.



**TABLES SHOWING EFFECT  
OF ACTS**

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**GENERAL INDEX**

TABLES SHOWING EFFECT OF ACTS  
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STATE OF HAWAII

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